

Notable British Trials

William Gardiner

Trial	Date of Trial	Editor
Mary Queen of Scots	(1586)	A. Francis Steuart
Guy Fawkes	(1605-6)	Donald Carswell
King Charles I	(1649)	J. G. Muddiman
The Bloody Assizes	(1678)	J. G. Muddiman
Captain Kidd	(1701)	Graham Brooks
Jack Sheppard	(1724)	S. M. Ellis
Captain Porteous	(1736)	William Roughead
The Annesley Case	(1743)	Andrew Lang
Lord Lovat	(1747)	David N. Mackay
Mary Blandy	(1752)	William Roughead
James Stewart	(1752)	David N. Mackay
Eugene Aram	(1759)	Eric R. Watson
Katharine Nairn	(1765)	William Roughead
The Douglas Cause	(1761-1769)	A. Francis Steuart
Duchess of Kingston	(1776)	Lewis Melville
Deacon Brodie	(1788)	William Roughead
"Bounty" Mutineers	(1792)	Owen Rutter
Abraham Thornton	(1817)	Sir John Hall, Bt.
Henry Fauntleroy	(1824)	Horace Bleackley
Thurtell and Hunt	(1824)	Eric R. Watson
Burke and Hare	(1828)	William Roughead
J. B. Rush	(1849)	W. Teignmouth Shore
William Palmer	(1856)	Eric R. Watson
Madeleine Smith	(1858)	F. Tennyson Jesse
Dr. Smethurst	(1859)	L. A. Parry
Mrs. M'Lachlan	(1862)	William Roughead
Franz Muller	(1864)	H. B. Irving
Dr. Pritchard	(1865)	William Roughead
The Wainwrights	(1875)	H. B. Irving
The Stauntons	(1877)	J. B. Atlay
E. M. Chantrelle	(1878)	A. Duncan Smith
Kate Webster	(1879)	Elliott O'Donnell
City of Glasgow Bank	(1879)	William Wallace
Charles Peace	(1879)	W. Teignmouth Shore
Dr. Lamson	(1882)	H. L. Adam
Adelaide Bartlett	(1886)	Sir John Hall, Bt.
Mrs. Maybrick	(1889)	H. B. Irving
J. W. Laurie	(1889)	William Roughead
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T. N. Cream	(1892)	W. Teignmouth Shore
A. J. Monson	(1893)	J. W. More
W. Gardiner (Peasenhall)	(1902)	William Henderson
G. Chapman	(1903)	H. L. Adam
S. H. Dougal	(1903)	F. Tennyson Jesse
Adolf Beck	(1904)	Eric R. Watson
Oscar Slater	(1909-1928)	William Roughead
H. H. Crippen	(1910)	Filson Young
J. A. Dickman	(1910)	S. O. Rowan-Hamilton
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The Seddons	(1912)	Filson Young
George Joseph Smith	(1915)	Eric R. Watson
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Harold Greenwood	(1920)	Winifred Duke
Bywaters and Thompson	(1922)	Filson Young
Ronald True	(1922)	Donald Carswell
H. R. Armstrong	(1922)	Filson Young
J. P. Vaquier	(1924)	R. H. Blundell
J. D. Merrett	(1927)	William Roughead
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Dr. Knowles	(1928)	Albert Lieck
Sidney H. Fox	(1929)	F. Tennyson Jesse
A. A. Rouse	(1931)	Helena Normanton
The Royal Mail Case	(1931)	Collin Brooks



Mr. Justice Lawrance
(Photo. by Elliott & Fry)

Trial of
William Gardiner
(The Peasenhall Case)

EDITED BY

William Henderson

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To

SIR ERNEST WILD, K.C.

THIS RECORD OF A GREAT DEFENCE

IS

BY KIND PERMISSION

RESPECTFULLY DEDICATED

BY

THE EDITOR

WILLIAM GARDINER.

INTRODUCTION.

I.

THERE are many remarkable features connected with the murder of Rose Harsent and the subsequent trials of William Gardiner for the crime—now widely known as the “Peasenhall Case.” An almost impenetrable atmosphere of mystery surrounds the case from beginning to end, from the discovery of the tragedy until the release of Gardiner after juries had twice failed to agree; and there are certain psychological considerations involved in the case which are far more attractive than those arising out of most murders. We see that the figure of the accused stands out as typical of a large and well-defined section of English life and character. His religion, his moral fibre and mental outlook, are indeed so germane to the question of his guilt or innocence on this charge that the Peasenhall Case, with its abortive conclusion, strikes a heavy blow against the principle of our criminal law which keeps from the jury all knowledge of the personality of the man they are trying except what they can gather from his attitude under cross-examination; the rule, in short, that deprives him of his status as a human being and leaves him, behind the panel of the dock, little more than a waxen figure.

Yet, on the other hand, the rules which govern our criminal law procedure are probably well suited to the national temperament. The law of evidence did not spring fully armed from the brain of a politician. It has been a creature of slow growth evolved by, and adapted to, the requirements of innumerable cases, and its fundamental principle is to elicit the facts relevant

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to the issue, to the exclusion of all others. Our rigid elimination of the criminal differs materially from the method adopted in certain other countries, notably in France, where the personality of the accused, his history and character, form an important feature of the investigation. The French consider that an analysis of the human soul, based upon the evidence, is helpful in criminal matters. Much might be written both for and against these two systems, but probably a strict examination would reveal that each is best suited to the mentality of the nation which produced it.

In an inquiry like the present, however, we are not bound by the rules of evidence, and can therefore include much that from a psychological point of view is of the greatest importance and value in our search for the truth. A more natural light may thus be shed upon the problem, since the concentrated glare focused upon certain of its features through the medium of examination and cross-examination tends to distort the general picture.

The story opens in the pleasant little Suffolk village of Peasenhall, which lies north of Ipswich, near the old town of Saxmundham. Here William Gardiner occupied a double-fronted cottage in the Main Street. He was married, with a family, a reliable workman who held the position of foreman of the carpenters employed at the Peasenhall Drill Works, where agricultural implements were manufactured, and who had represented his employers at the Paris Exhibition. A dark, swarthy complexioned man of heavy build, he was said to be descended from Huguenot ancestors who had taken refuge in our eastern shires. He was, to all appearances, a deeply religious man, an active member of the Primitive Methodist Congregation at the neighbouring village of Sibton, where he acted as assistant steward, treasurer, Sunday school superintendent, and choir-master. Laborious days in the workshop and innumerable evenings sacrificed to chapel business had established

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him in a position of honourable distinction in the village. An insight into his character is given by his solicitor who says that, during nine months association with him, Gardiner invariably told the truth, his honesty and reliability as a workman were established beyond dispute, and, notwithstanding his excessive claims to familiarity with the Almighty, he was a truly religious man. So far as his domestic relations were concerned, he had provided and maintained a comfortable home for his family, and in that home he was the dominant figure. Upon the whole, he was a man with a good character and an excellent record—a man not greatly liked, but regarded with respect by all who knew him.

The character of Rose Harsent, on the other hand, was not above reproach. She was a domestic servant employed at Providence House, Peasenhall, an attractive girl of East Anglian type, something of a village belle. It would be unjust to call her a loose woman, but the attentions of a number of admirers among the young men of the village had not been altogether free from certain gross accompaniments. Moreover, the cruder side of her amorous adventures was not entirely distasteful to her, for she treasured in her box a number of indecent verses which had been sent to her by an ardent swain, whose indiscretion subsequently caused him considerable discomfort. There is no reason to suppose, however, that before she became acquainted with Gardiner she had transgressed the ultimate limit of modesty, and living as she did in a part of England not notably celebrated for a particularly high standard of moral purity, she was probably a fair specimen of the girlhood of her district.

It was doubtless in the Sunday school and choir that Gardiner first became friendly with Rose Harsent. They possessed sufficient tastes in common to afford the basis of an acquaintanceship, for both were interested in chapel affairs and particularly in the chapel music. It may be assumed that they would often return together

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to Peasenhall after the evening choir practices at Sibton. The acquaintance, which began innocently enough, nevertheless held from the beginning a certain element of danger since it pandered to the vanity of both parties. They both felt flattered by it, she by the attentions of such a prominent and highly respected member of the small community, and he by the unsophisticated admiration of a young girl with considerable physical attraction. Moreover, the development of an "eternal triangle" situation would not be retarded by the personality of Gardiner's wife, a frail, faded little woman of about forty years, whose married life had been fully occupied with her housework and the bearing of children to a healthy and vigorous spouse.

It is impossible, except by the aid of the imagination, to trace the growth of Gardiner's alleged *liaison* with Rose Harsent. They were often together, however, and under circumstances which would certainly afford opportunities for misconduct. Indeed, it was not long before rumour was rife in the district about the nature of their friendship. Spicy stories were freely circulated, and eventually the "scandal" was made the subject of an inquiry by the chapel authorities, under the auspices of Mr. John Guy, superintendent minister of the Wangford Circuit of the Primitive Methodist Church. At this inquiry a definite charge was made against Gardiner by two young men named Wright and Skinner, who deposed that on the evening of the 1st of May, 1901, they saw him follow Rose Harsent into an old thatched building called the "Doctor's Chapel," which stood a little way back from the main road, opposite the Peasenhall Drill Works. Expecting, as Skinner subsequently admitted, to "hear something indecent," they approached to within a few feet of the "chapel," and first heard some laughing and rustling going on inside. Then a woman's voice called out "Oh, oh," and, according to Skinner who remained there after his companion had gone away, the

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same voice later asked, "Did you notice me reading my Bible last Sunday?" The man said, "What were you reading about?" and the woman replied, "I was reading about like what we have been doing here to-night; I'll tell you where it is," naming a chapter and verse of Genesis. Finally she said, "I shall be out to-morrow night at nine o'clock. You must let me go." This story was absolutely denied by Gardiner at the inquiry, and by Rose Harsent later, and the result of a rather unsatisfactory investigation was entirely negative.

An interesting glimpse of Gardiner's character is afforded by his behaviour under this ordeal. It must be recorded that he faced the situation like a man. As soon as Skinner's story became public he called the latter, who was employed at the Drill Works, into his room and demanded an apology, which, however, was not forthcoming. He also wrote two letters to Rose Harsent. Whether he was innocent or guilty of this charge, these letters indicate that he was no weakling. The first reads:

"Dear Rose,—I was very much surprised this morning to hear that there is some scandal going the round about you and me going into the Doctor's Chapel for immoral Purposes so that I shall put it into other hands at once as I have found out who it was that started it. Bill Wright and Skinner say they saw us there, but I shall summons them for defamation of character unless they withdraw what they have said and give me a written apology. I shall see Bob to-night, and we will come and see you together if possible. I shall at the same time see your father and tell him.—Yours, &c.,

"WILLIAM GARDINER."

The second letter is as follows:—

"Dear Rose,—I have broke the news to Mrs. Gardiner this morning, she is awfully upset but she say

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she know it is wrong, for I was at home from $\frac{1}{2}$ past 9 o'clock so I could not possibly be with you an hour so she wont believe anything about it. I have asked Mr. Burgess to ask those too Chaps to come to Chapel to-night and have it out there however they stand by such a tale I dont know but I dont think God will forsake me now and if we put our trust in Him it will end right but its awfully hard work to have to face people when they are all suspicious of you but by Gods help whether they believe me or not I shall try and live it down and prove by my future conduct that its all false, I only wish I could take it to Court but I dont see a shadow of a chance to get the case as I dont think you would be strong enough to face a trial. Trusting that God will direct us and make the way clear.—I remains, yours in trouble,

“ W. GARDINER.”

It is difficult to decide whether these are the resentful letters of an injured man, containing as they do his expression of trust in God and threats of legal proceedings against the slanderers, or mere camouflaged “instructions for the defence” written by a guilty man to his accomplice, notifying her that he is going to present a brazen front to the charge and warning her that she must do the same. If the truth of the matter lies in this latter interpretation of the letters, then they surely do credit to Gardiner’s intelligence, for the closest scrutiny yields no indication that they are such.

Even at the present day village communities like Peasenhall are largely dominated by the local church or chapel, whose culture and methods of thought, not less than their religious doctrines, permeate the social lives of the inhabitants. But this feature of village life was considerably more marked a quarter of a century ago than it is to-day, and whether Rose Harsent’s mysterious lover was Gardiner or some other person of a similar class, one can well imagine that their relations were

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characterised by an incongruous mixture of religion and sensuality. If Rose had fostered her amour on excerpts from the book of Genesis, their study of the Bible had doubtless extended to the exquisite love song of Solomon, and they were probably familiar with the sensuous words of the psalmist: "Behold thou art fair, my love; behold thou art fair; thou hast dove's eyes, thy teeth are like a flock of sheep that are even shorn, thy lips are like a thread of scarlet. Thy two breasts are like two young roes that are twins which feed among the lilies. How fair and how pleasant art thou, oh love, for delights." But the "delights" are apt to pall and the piquant charm of illicit pleasure sometimes becomes flat and stale.

If intimacy did in fact exist between Gardiner and Rose Harsent before this investigation by the chapel authorities, it might have been expected to cease after the inquiry. He was no flippant Don Juan, but a man of sound fundamental qualities whose worthy object in life had been to attain respectability in his village; and, obviously, further relations with the girl were fraught with the gravest danger to the position that he cherished so much. Yet it was the contention of the prosecution at his trials that the girl maintained her hold over him even after the inquiry, and that he persisted in his intercourse with her so as to become the father of her expected child. At any rate, we know that Rose Harsent was pregnant during the spring of 1902. She was then in the employment of Deacon and Mrs. Crisp as general servant at Providence House, a picturesque, gabled building with a walled garden, situated in the main street of Peasenhall within a short distance of Gardiner's cottage. In the face of impending trouble, it may be assumed that all the glamour of the early romance had faded, to be replaced by something quite different—by anxious discussions and bitter recriminations between the girl and her secret lover, whoever he may have been, and by

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innumerable, futile plans to avert discovery until, as the months passed, the girl could not conceal her condition much longer.

These were distressing circumstances in which Rose Harsent now found herself, but her sufferings were minimised by the comparative coarseness of her nature, and her lapse from virtue would not be likely to condemn her to social ostracism among her class; but, for the unknown man, if he was of some note in the village, the penalty would be far more severe. And as the magnitude of the threatened disaster impressed itself upon him—his public humiliation, the ruin of his home and probable dismissal from his employment, the resolve to murder the girl might well take shape in his mind. Other and less criminal methods having failed to achieve their object, it was absolutely necessary for his self-preservation that she should be got out of the way. Brooding on the matter, the character of Rose Harsent may even have assumed an uglier aspect. It would not be difficult for him to imagine that she had been his temptress. Then why, indeed, should he suffer for the sin of a scarlet woman? The master touch to this line of thought would be that he was performing a religious duty in destroying Rose Harsent, since her wiles might be the downfall of many other men!

Such considerations might naturally present themselves in one form or another to the minds of those who had to decide the question of Gardiner's guilt or innocence, but, after all, they amount to little more than psychological speculations, and it would be unwise to give them undue weight in a case where two exhaustive trials failed to establish the accused's guilt.

In the evening of 31st May, 1902, a violent thunder-storm broke over the Peasenhall district. Thunder crashed, lightning flared, and a torrential downpour lashed the fields and roads. That night William Gardiner might have been seen by a chance passer-by

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standing at the door of his cottage, apparently watching the storm. But from where he stood could be seen a steady light that for some minutes showed at the window of the room in which Rose Harsent slept. This light was a signal to her secret lover. Rose Harsent's bedroom and the kitchen were situated in an outlying part of Providence House, and communicated with each other by means of a separate staircase. On the same afternoon the postman had delivered a letter addressed to "Miss Harsent," the last of a series handed in by him enclosed in buff-coloured envelopes of the same kind as those in use at the Drill Works. This letter, which was afterwards found, was as follows: "Dear R,—I will try to see you to-night at twelve o'clock at your Place if you Put a light in your window at ten o'clock for about ten minutes. Then you can take it out again. Dont have a light in your Room at twelve as I will come round to the back." Shortly after ten o'clock in the evening Mrs. Crisp said good night to Rose and retired to her bedroom. Like other inhabitants of Peasenhall, she was disturbed by the storm, and some time in the middle of the night she was startled by hearing a scream and a thud, as if some one had fallen. She did not, however, make any investigation. By four o'clock in the morning the storm had abated, and the remaining hours of darkness were quiet and peaceful.

The first morning of June dawned brightly. At about eight o'clock that morning William Harsent went to Providence House to take some clean linen to his daughter. On entering the kitchen, at the foot of the little staircase that led up to her room, he was shocked to find the dead body of Rose lying on the floor in a pool of blood. He gave the alarm immediately, and the police were called in. Rigor mortis had set in, so that it was impossible to say exactly when the girl had died. The body lay with the head near the stairs and the feet towards the kitchen door. There was a punctured wound

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in the breast caused by an upward thrust of an instrument having a sharp point and blade, and the throat had been slashed across from ear to ear by two distinct cuts inflicted with such force that the windpipe was completely severed. On the right cheek were a bruise and a small superficial cut, and there were numerous semi-circular cuts about the hands such as would be caused by warding off blows. The dead girl was lying flat on her back; she was dressed only in her nightgown and stockings. The nightdress was burned, particularly at the lower part, and there was considerable charring of the flesh about her thighs and buttocks. On the floor close to the body there was a lamp with a detached oil container and a broken glass, and the room was permeated with the smell of paraffin. Beneath the body there was a copy of the *East Anglian Daily Times* delivered, it was later alleged, by Rose Harsent's brother to William Gardiner a few days previously. No knife or other weapon was found, but near the girl's head there was a broken bottle which had contained paraffin and which had a label on it, bearing the words, "Two to three teaspoonfuls, a sixth part to be taken every four hours—Mrs. Gardiner's children."

Strangely enough, the first impression formed by those who followed Harsent, and viewed the body, was that the girl had committed suicide. Some colour was lent to this by the fact that no footmarks were to be seen in the blood that lay upon the floor. But it does seem extraordinary that any such theory could have survived the most cursory examination. It was definitely negatived by the fact that either of the throat wounds would have proved fatal; and, therefore, if the deceased had inflicted the first it would have been impossible for her to inflict the second. Moreover, the cuts upon the hands were quite inconsistent with suicide, indicating as they did an attempt by the girl to protect herself. And how, if the girl had taken her own life, were the

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signs of burning to be explained away? To put the matter beyond doubt, there was the absence of the knife or similar weapon by which the wounds were caused. It has indeed been suggested—somewhat foolishly—that they might have been self-inflicted by the broken paraffin bottle, and we have learned from a reliable source that there was, in fact, surgical evidence available to the defence to support this theory. A broken bottle, which is a deadly weapon, might easily be used in a suicide, but the jagged or lacerated edges of the wounds inflicted by it are quite different from the clean incisions of a knife such as extended across the throat of the dead girl. Those who conducted the defence of Gardiner had little faith in the broken bottle theory of suicide for they wisely did not call evidence to support it.

Still more astonishing, there were even people who believed that Rose Harsent's death had been accidental. The leader of this select band was a local clergyman, and his theory is explained in detail in Mr. Max Pemberton's interesting story of the Peasenhall Case. "An unknown man," it is supposed, "desired to see the girl secretly. He wrote and made an appointment with her at midnight, telling her to put a light in her bedroom window that he might know it was safe for him to come. He gets a pair of india-rubber shoes from somewhere, and creeps up the road to the window of her kitchen. There a horrible spectacle is revealed—the girl lies dead at the foot of the steep flight of stairs, the lamp she carried is shattered, the paraffin has caught fire and is already burning her body. The man is horrified and flies. He is not a murderer, but his intrigue with her has undoubtedly been the cause of her death." In support of this view he continues, "Just before twelve o'clock Rose Harsent took the lamp in one hand and the glass bottle in the other and began to descend the steep flight of stairs leading to the kitchen. Halfway down, perhaps, her foot becomes entangled in

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her long nightdress and she pitches headlong down the stairs into the kitchen. It was at this moment that Mrs. Crisp, the deacon's wife, heard the thud and the scream, and, but for her husband's persuasion, would have gone to the kitchen to see what was the matter. Rose Harsent, thus falling, if fall she did, naturally thought first of the lighted lamp she carried and did her best to save it. She stretched out her arm to prevent its breaking; and so we find it upon the floor in three pieces—the unbroken glass farthest away from the body; the reservoir near, and then the holder. The paraffin, naturally escaping from it, ran back to the rill worn in the stone at the stairs' foot, as rills are always worn in the stones of these country cottages. There it caught fire and, for a little while, burned briskly. Meanwhile the poor girl herself had forgotten the glass bottle in her other hand, and upon that she has fallen with all her weight. It cut her throat and killed her." It is hardly necessary to comment on this amiable theory, the product of a vivid imagination. Had Gardiner's legal advisers adopted it as the basis of the defence, their client most assuredly would have gone to the scaffold! There were other fantastic explanations, and the usual "confession" from an ill-balanced individual, without which no murder case seems to be complete. In point of fact, there were three such missives received during the course of the Peasenhall trials, none of which had any bearing on the case.

Important evidence would almost certainly have been discovered if the police had arrested their man immediately. But, with all the facts pointing to murder, and enough evidence in their possession to warrant an arrest, their minds were apparently so obsessed with the theory of suicide that it was not until the 3rd of June, three days after the tragedy, that the step was taken. They had the evidence of the bottle that Mrs. Gardiner had owned, of the newspaper alleged to have been

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delivered to Gardiner's house, and of the scandal which the chapel authorities had investigated. Moreover, other testimony was soon forthcoming. A young game-keeper named James Morriss, who had passed through the main street of the village about five o'clock on the morning of the murder, declared that he noticed a series of footmarks leading from Gardiner's cottage to Providence House. He was aware of the stories that had circulated in the village concerning Gardiner's relations with Rose Harsent, and he seized this opportunity to do some amateur detective work. He traced the footsteps, and found that they led close up to the gate of the house and back again to the cottage. Examining the marks carefully, he came to the conclusion that they had been made by rubber-soled shoes with bars across their treads. Morriss gave this evidence at the inquest. A juryman made a sketch of a shoe sole and the witness drew lines across it representing the bars. This was the kind of evidence which one would expect to be accurate, having regard to Morriss's occupation as a gamekeeper, and the police took a statement from him. It was discovered later that Gardiner possessed a pair of rubber-soled shoes which, the prosecution afterwards alleged, would correspond exactly with the imprints that Morriss had seen.

Presently, after this unfortunate delay, Gardiner was arrested. He was taken into custody on the 3rd of June, and both he and his wife made statements to the police which were free from serious contradiction. The man said: "On Saturday I drove to Kelsale at 2.30. I got home about 9.30, had my supper, and stayed at the front door because of the storm. We went into Mrs. Dickenson's about eleven o'clock. I left Mrs. Dickenson's with my wife about half-past one, went to bed, and did not go out until 8.30 next morning." The only noticeable discrepancy between this account and that given by Mrs. Gardiner was that the woman stated

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that she went to Mrs. Dickenson's first and that he came shortly after. If the prosecution had been able to ascertain the exact time of the murder this variation might have been of the greatest importance; but, as we know, they were unable to say with certainty when the murder was committed, and so it ceased to be of much value.

The first trial of William Gardiner opened in November, 1902, at Ipswich, before Mr. Justice Grantham. Mr. H. F. Dickens, K.C., and the Hon. John de Grey (instructed by Mr. E. P. Ridley, Ipswich) conducted the case for the Crown, while Mr. Ernest E. Wild and Mr. H. Claughton Scott (instructed by Mr. A. S. Leighton, Ipswich) were for the defence. Tremendous interest was aroused by the trial, and many notable people came to hear the proceedings. When the time came for the accused to give his evidence he made a most favourable impression in the box. "We saw," wrote Mr. Max Pemberton, "a finely built man of thirty-four years of age, with clear eyes and hair so black that, as was said, he might have been of Spanish origin." His attitude is thus described in a contemporary issue of the *East Anglian Daily News*—which newspaper, by the way, made itself largely responsible for the money required to have Gardiner adequately defended—"The accused went from the dock into the witness-box, and, after stroking his raven-black moustache and beard for a moment or two in a rather nervous way, pulled himself together, and stood somewhat unsteadily, with one hand resting on the ledge in front of him—often raising it to emphasise his statements—and the other held close to his side. He spoke in a clear voice, raising it occasionally at the request of counsel, so that the jury might hear, and the quietude of his demeanour was the subject of general amazement." The statements he made to his own counsel were not shaken, to any marked extent, in cross-examination.

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While he was obviously anxious, he was never flustered, and gave his answers without hesitation. On the fourth day Mr. Ernest Wild wound up an exceedingly skilful defence by a remarkable speech; but the effect of his eloquence on the jury, it was thought, must have been dispelled by the summing up of Mr. Justice Grantham, which was unquestionably against the accused. There was intense excitement when the jury retired to consider their verdict at 4.15 in the afternoon. They returned at half-past six to reveal that they were in disagreement, and wished to know what inference they were to draw from the fact that there was no blood on the accused's clothing. The judge said that that fact was in the accused's favour, but that guilt had been clearly established in other cases where there was no blood found upon the clothes. If the other evidence was not conclusive, these facts would serve the accused; but if this evidence was conclusive the absence of blood ought not to affect the evidence of guilt. The jury retired again to consider these instructions, and it was not until twenty minutes to nine that they returned. The foreman intimated that they had not been able to reach a verdict. Mr. Justice Grantham then asked if there were any questions that he could answer, and a juryman stood up to say that there were no questions which he wished to ask. It was he who was in disagreement with the others. When asked by Mr. Justice Grantham if he thought time might be of value to him in considering the question, the juryman said: "I have not made up my mind not to agree if I was convinced that the prisoner was guilty, but I have heard nothing to convince me that he is guilty." The applause in Court which followed this statement was quickly silenced. There was, therefore, no prospect of an agreement and the jury was discharged.

The second trial also resulted abortively, but, it was said, the position here was the exact reverse of that at the first hearing, eleven jurymen being for acquitting

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Gardiner and one for condemning him. The trial again took place at Ipswich, and the same counsel were engaged, with Mr. Justice Lawrence this time on the Bench. The evidence was patiently gone over again, and again the summing up inclined towards a conviction. After a little over two hours' absence on the fourth day, the foreman of the jury led his men back to intimate that there was no possibility of their reaching an agreement. Speculation was now rife as to whether the accused would again be tried, and it was confidently expected locally that he would appear at the next Suffolk Assizes. The power of ordering a further prosecution no doubt existed, but its enforcement was discretionary, and on this occasion the discretion was wisely exercised. Five days after the trial had finished Mr. Leighton, the accused's solicitor, received the following telegram from the Director of Public Prosecutions : “*Rex v. Gardiner*—just lodged *nolle prosequi*.—Sims, Treasury, London.” On the same day the Governor of Ipswich Prison received an order to release his prisoner. It is said that Gardiner's first act on being informed of this was to fall on his knees and thank God for his deliverance. In the evening this much-tried man stepped forth from the prison, his appearance much altered by the removal of his black beard and whiskers. Within a few hours, he was a passenger in the night train to Liverpool Street Station, London, and after many months of public notoriety his identity became obscured in the city's millions.

Gardiner owed much to his able lawyers. His solicitor, Mr. Arthur Sadler Leighton, who has since become a practising member of the English Bar, did splendid work during the preliminary investigation of the case and in the preparation of his defence. In no way, however, did he serve him better than in his selection of counsel. Mr. (the late Sir) Ernest Wild, afterwards the Recorder of London, but then a junior barrister on the South-Eastern



Mr. Justice Grantham

(Photo by Russell)

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Circuit, was briefed to lead Mr. Claughton Scott, and his conduct of the case set the seal of public fame on an already successful career. He had all the gifts of the complete advocate, skilful in cross-examination, and renowned as a polished orator at a time when rhetoric at the Bar was on a much higher plane than it is to-day. Above all, he possessed that combination of qualities which we call charm—that attractiveness, in fact, which inspires a jury with a sometimes illogical desire to award his client the verdict. His closing speech in this case was a characteristic effort, and will repay a careful reading by those interested in the art of advocacy. The other side, as has been stated, was led by the late Sir Henry Dickens, then Mr. Dickens, K.C., who was afterwards appointed Common Serjeant of the City of London, one of the most able leading counsel practising at the common-law Bar at that time. A gifted son of a famous father, his appearance for the prosecution was a guarantee that everything would be said that lay within his province as a minister of justice for the purpose of placing the issues clearly and dispassionately before the jury. He never transgressed these limits to obtain a personal triumph.

Something has to be said, at the same time, about the occupants of the Bench. The personality of Mr. Justice Grantham, who heard the first trial, has been presented in a previous volume of this Series, and need not be dealt with.* The Honourable Sir John Compton Lawrence, who presided at the second hearing, had then been a judge of the King's Bench Division for some twelve years. Originally a student and afterwards a Bencher of Lincoln's Inn, he possessed the urbanity of manner that is characteristic of the Chancery Bar. He was for some years Recorder of Derby and leader of the Midland Circuit, and before his judicial appointment

* "Trial of George Chapman," edited by H. L. Adam.

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he had sat in Parliament for divisions of his native county, Lincolnshire. His courteous and kindly disposition are well instanced by his conduct of this Peasenhall trial—a duty of considerable difficulty. It will be seen from the report that both the charges, though they incline towards a conviction, are scrupulously fair. We imagine that either, in the event of a Guilty verdict, would have stood the test of an appeal to the Court of Criminal Appeal had such a tribunal then existed.

Finally, the decorum observed throughout these trials of Gardiner affords a noteworthy instance of the quiet and efficient manner in which the most sensational criminal cases are handled in our Courts. The order of the Court may so easily be sacrificed to cheap sensation and disgraceful scenes that we are to be congratulated on our comparative immunity from these. The whole course of the proceedings in the Peasenhall Case is worthy of the best traditions of British Justice.

II.

It is not proposed to publish a report of the first trial in this volume as nothing of importance then occurred which is not covered by the notes of the second trial. Our discussion of the more important incidents will therefore be confined to the latter.

There was no direct evidence against the accused. Only the murderer knew what had actually happened in that blood-stained kitchen, and the Crown had to depend on a cumulative case of circumstantial evidence. In pointing this out to the jury Mr. Justice Lawrence said : “ If a man came to the witness-box and said he saw A shoot B through the head with a pistol, A would be tried for murder, and that would be direct evidence. And the only question you would have to consider would be : Can we trust this man who has said he saw A shoot B ? In direct evidence only one question arises : Do you accept

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the statement of the person who gives the evidence? Let me give you the plainest and simplest case of circumstantial evidence and the most familiar one in the textbooks. Suppose you saw a man rush into a room with a naked sword, and you afterwards saw him coming out with it covered with blood. Supposing that in that room there was a man who was found to be struck in the back or in a place where he could not strike himself. That would be circumstantial evidence. First, you would have to say whether you were satisfied that the witness saw A go into the room, and then, if you believed that, the next question would be: What presumption does that give rise to in my mind? Circumstantial evidence is evidence which gives rise to a presumption. First, you have to say whether you accept the fact, and then, secondly, what is the reasonable inference to be drawn from the presumption?" "There are cases in the textbooks," he continued, "in which it is shown that circumstantial evidence is of greater value than direct evidence."

It is, of course, common knowledge that direct evidence is sometimes fraught with the gravest inaccuracies. This unreliability is noticeable in cases where the facts deposed to are of such a transient nature that the opportunity of observation is reduced to a minimum. Thus it has produced, in what are termed at the Bar "Running-down cases," a "Court speed" of motor cars at 15 miles per hour, that being the pace almost invariably stated by eye-witnesses in favour of the side for which they are called, and the same divergence from the facts has led the present Lord Chief Justice to say that he is always trying collision cases between stationary vehicles! But it is in cases of mistaken identity that the misleading nature of direct evidence has become most striking. The classic example in this connection is the case of Adolf Beck, a man wrongly convicted on the evidence of a large number of persons

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who, with equal certainty and inaccuracy, swore to his identity. An interesting test of the value of direct evidence was carried out by a well-known American jurist* during a university lecture. While he was addressing his class one of the students, strikingly dressed, stood up and took objection to a statement he had made. The professor answered the objection, and an angry altercation ensued, which resulted in the student mounting a platform and firing a revolver. Explaining to the astonished class that the incident had been arranged beforehand, the professor asked his class to write a full and accurate report of what they had seen and heard. The result of their efforts was a hopeless confusion of misstatements and omissions, and the best account of all showed only twenty-six per cent. of correctness.

An eminent authority on this subject,† in comparing the value of the two kinds of evidence, has said, "Witnesses sometimes lie, facts never." There is much truth in that. But, at the same time, it should be remembered that a tribunal may have extreme difficulty in ascertaining the correct inferences to be drawn from the facts. This is a weakness of circumstantial evidence which has often been exploited to good purpose by the defence. Look, for instance, at this case of Gardiner. A broken bottle, which has contained paraffin, is found in the kitchen near Rose Harsent's body, and the label on it bears the words, "Mrs. Gardiner's children." Here, it would seem, is a piece of circumstantial evidence of the greatest importance which cannot be contested. What does it prove? From the point of view of the prosecution, it supports the view that the accused has filled the bottle with paraffin at his home and taken it with him to Providence House for the purpose of using

* Professor Munsterberg.

† Sir Michael Foster.

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it to burn the body of the dead woman. Regarded in this light, the evidence of the paraffin bottle assumes a damning aspect. Yet, when the defence come to deal with the matter, it is put forward as the strongest proof of Gardiner's innocence! They say that, if he were the guilty man, he might just as well have left his visiting card on the body of his victim. It is one of the earliest lessons to be learned in defending criminals that apparently glaring pieces of evidence like this can be countered by the argument that no one but a maniac would provide such evidence against himself. And that contention may not always be met successfully by the answer—although it is an established fact—that however clever a criminal may be he usually assists detection by at least one act or omission of unaccountable stupidity. A host of instances of this immediately come to mind—the packages of arsenic kept for months by Herbert Rowse Armstrong, the preservation of incriminating letters by Mrs. Thompson of Bywaters and Thompson notoriety, and the open use in their workshop of surgical instruments stolen at the time of the murder of the police constable by Messrs. Browne and Kennedy.

Let us begin our examination of the evidence given at the trial by scrutinising the incident of the meeting at the "Doctor's Chapel," from which Gardiner's alleged association with Rose Harsent dates. It was early realised by the advocates that this was the key to the whole position, and in his opening speech Mr. Dickens fenced round and guarded this part of his case with meticulous care. He suggested that Skinner's story was too extraordinary to have been invented, and pointed out that there was no antagonism between the two young men and the accused. The fact was stressed that, in spite of the threat of legal proceedings against them, the young men would not apologise; and an elderly man named Henry Rouse would be called to support the view that Gardiner was more than friendly with Rose Harsent.

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He had seen them walking together in the month of February, 1902, and had also detected familiarities taking place between them as they sat in the choir while he was preaching at Sibton Chapel. The answer to this, in Mr. Wild's opening speech, was that his client had been the victim of village gossip; and the fact that he had retained all his offices of honour at the chapel after the inquiry was proof that the charge had been fabricated. The jury heard Wright and Skinner tell their story, and Mr. Ernest Wild bombarded it with heavy artillery, but the young men were not much shaken. Then Mr. John Guy, superintendent minister of the Wangford Circuit of the Primitive Methodist Church, before whom the inquiry at Sibton was held, appeared to support their testimony. Mr. Guy said that it was as the result of a letter received from Rouse, stating that there were certain rumours abroad relating to the conduct of Gardiner, that he decided to hold the inquiry. He admitted that Rose Harsent was employed to clean the "Doctor's Chapel" at Peasenhall and that the accused had nothing to do with that particular community. No decision was arrived at then, but Gardiner was told to be careful in his relations with young girls. Gardiner admitted that he had been indiscreet, but promised to keep clear of Rose Harsent in the future. Mr. Wild's cross-examination here was fairly successful. Guy agreed with him that if there had been any truth in the story the accused would have been speedily asked to resign—summarily ejected, in fact, from his offices at the church; but he denied the suggestion that he had on one occasion said that it was a trumped-up affair. The Court then listened to Rouse telling of the familiarities he had noticed in church. His story somehow did not ring very true, and it was easily shaken by the defence. Mr. Wild skilfully showed the jury that the witness was one of these people who are continually bringing accusations against others.

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Here, then, is all the evidence of Gardiner's alleged relations with the dead girl. This earlier history of the case may not *prima facie* seem to be connected with the actual circumstances of the murder itself; but it possesses a vital importance from the Crown standpoint because, if established, it constitutes a probable motive for the crime, the whole force of the argument culminating in the fact that Rose Harsent at the time of her death was six months advanced in pregnancy. The motive, shortly stated, was the removal of an imminent menace to the accused's respectability. The question now arises: Is there evidence enough to satisfy us that Rose Harsent was indeed Gardiner's mistress; or can we, with Mr. Wild and the jury, dispose of it as nothing more than village titile-tattle? If we discount the evidence of Mr. Rouse, who we were told had a taste for squabbles, the testimony of Wright and Skinner still remains. They apparently had nothing to gain by Gardiner's disgrace, and if the story had originally been started as a prank, one would think that these two boys would have been brought to their senses by the man's wrath and his threat of legal proceedings. But, as we have seen, they told their story, and, in the Transatlantic phrase, they stuck to it. Against this there are the denials of Gardiner, supported by his wife's testimony, evidence weakened by self-interest of course, the value of which could best be judged by those who saw and heard the Gardiners.

The next important matter relates to the letter in the buff envelope, which the girl received on the afternoon of 31st May. After Harry Harsent, a brother of the dead girl, had deposed that he had taken letters from the accused to his sister on several occasions, the post-man spoke about the letter in the buff envelope, in which the Crown were specially interested. He had several times delivered letters to Rose which had been enclosed in similar envelopes. It appeared that envelopes of this

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kind were in use at the Drill Works, and the accused had access to them. Later in the trial a fierce battle of expert evidence raged round the handwriting in this document. "There are liars," says the cynic, "damned liars, and expert witnesses," and a study of the expert evidence given here tends to make one believe that the expression is not too drastic. As a matter of fact, the administration of justice in our Courts might be better served by the rigid exclusion of all such testimony except in cases where, owing to the technical nature of the subject-matter, it is absolutely necessary in order to explain the points in dispute. The present practice in our Courts goes far beyond this. Engineers of alleged eminence in their profession have spent hours in Court explaining, and contradicting each other, about the ability of an open-ended spanner to slip off a nut. In medical cases, especially, there seems to be no limit to the latitude allowed, and much time is wasted. Of all the classes of expert evidence adduced for the so-called assistance of the Court, that dealing with handwriting is among the most illusory. It depends in the main upon a number of similarities the existence of which is strenuously affirmed and just as strongly denied. In no case does it afford any guidance beyond the point at which an ordinary man would arrive by a careful comparison of the documents. In the case we are considering it is perhaps enough to say that the discrimination of the handwriting expert for the Crown, the best-known authority on the subject, was entirely discredited in the action of Parnell against the editor of the *Times* newspaper, where he was fully prepared to give his sworn opinion that the letters which the notorious Piggott afterwards confessed he had forged were in the handwriting of Mr. Parnell. There is, therefore, little to be gained from this evidence. In passing, however, we note a peculiarity common to the letter received by Rose Harsent and other letters admittedly in Gardiner's

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handwriting: in each case several words in the middle of sentences are commenced by a capital letter. As an item in a cumulative case this resemblance is significant, but too much reliance should not be placed upon it.

It will be remembered that the writer of this letter instructed the dead girl to put a light in her window at ten o'clock for about ten minutes. Harry Burgess, a bricklayer, was called to say that he had spoken to Gardiner on the evening of 31st May about five minutes past ten. Their conversation took place at Gardiner's front door, and Burgess remained there for quarter of an hour. As he was going home he noticed a light in the top window of Providence House. It would be wise not to pay much attention to this statement. Obviously, the imagination may enter into evidence of this kind, and, in addition, the fact that the storm was then raging is sufficient to discount it.

From the light in the window the Crown came to the matter of Gardiner's rubber-soled shoes. James Morriss, the gamekeeper, told of the footmarks he had traced between Providence House and Gardiner's cottage. When questioned by the police, Mrs. Gardiner had readily produced the rubber-soled shoes. They did not appear to have been worn recently, and there were no traces of blood upon them, a point which the defence quickly turned to the advantage of their client. There were, in fact, no bloodstains of any kind upon any of Gardiner's clothing. The only trace of mammalian blood was a spot upon a clasp knife which was found in the accused's possession. This knife had evidently been freshly cleaned and sharpened. It had been scraped inside the haft and the two blades bore signs of recent polishing. On examining the interior of the handle, Dr. Stevenson, senior official analyst at the Home Office, had found a minute quantity of mammalian blood. The suggestion of the defence was that the presence of this blood was due to the fact that the accused had killed

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some rabbits shortly before and had used the knife to disembowel them. The absence of blood was a strong point in favour of the defence; but, against this, the Crown brought a neighbour to say that there was a fire in Gardiner's wash-house very early on the Sunday morning and that both the accused and his wife had been seen going there at an unusual hour. This was a rather dangerous piece of evidence, but Mr. Wild's clever cross-examination was meant to show that the witness's imagination had played no little part in his recollections.

We have already dealt with that specious piece of evidence, the broken paraffin bottle with the tell-tale label, and have seen how the defence ridiculed the idea that Gardiner would leave such a glaring clue behind him. Later they strengthened their position by calling evidence to prove that the bottle had originally contained camphorated oil, which was prescribed by a local doctor for Mrs. Gardiner's children, and that she had let Rose Harsent have some of the oil in the bottle for a sore throat. It was suggested that thereafter the bottle had been used by the girl for storing paraffin, that it had been placed upon a bracket behind the kitchen door—which was afterwards found broken—and that it had been knocked off on to the floor when the door was pushed open on the night of the crime. It was an exceedingly plausible supposition, and served to make the matter of the broken bottle with its label of little value to the Crown.

These were the principal points against the accused upon which the prosecution relied to secure a conviction. Their case ended with the close of the second day, but before that a young man named Davis spent an uncomfortable hour in the box. He was a young shop assistant who had written several questionable letters and verses to Rose Harsent. In respect of his more objectionable compositions he was severely censured by the Bench when he stepped down. But he

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was quite innocent of any connection with the murder, and this was admitted by the defence. At the same time, however, when Mr. Wild addressed the jury he showed them how a case might have been built up against Davis. It was an excellent idea, his ingenious object being to demonstrate how easily a strong case might be constructed against a perfectly innocent man.

On the third day Mrs. Gardiner told her tale. She had never believed the scandal that linked her husband's name with that of Rose Harsent. On the afternoon of 31st May her husband had driven to Kelsale, and he had returned home at half-past nine. He stood at the door watching the storm for some time, after which they had supper, and then went to Mrs. Dickenson's. She went first and her husband followed a few minutes afterwards. They left Mrs. Dickenson's at half-past one in the morning, when the storm was practically over. After they retired her husband slept soundly, but she had to get up more than once during the night to see to one of her children who had been frightened by the storm. Thus she was positive that he had not been out of bed during the night. When she had given her evidence, Mrs. Gardiner fainted and her cross-examination was delayed until next day. Mr. Dickens did not shake her testimony, but as a defence the suggested alibi is obviously weak since no definite hour could be fixed for the murder and the accused was within a stone's-throw of Providence House during the night and morning. The behaviour of Mrs. Gardiner is interesting. She was distressed and terrified in the box, and after her examination-in-chief she had a violent fit of hysterics. The next day, after cross-examination, she was obviously on the verge of another breakdown—so much so that her husband, sitting in the dock, burst into tears. These incidents could not fail to impress the jury, and they formed a basis for the last pathetic appeal by the defence. Mrs. Gardiner's collapse in body and mind is strange when

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one remembers that all that was required of her was the truth about her husband's movements on the night of the murder. Certainly there had been much cruel suspense connected with the case, but a belief in her husband's innocence might have been expected to inspire her with greater fortitude, unless, of course, she was in weak health or abnormally temperamental.

When William Gardiner went into the box he was taken through all the incriminating points that the Crown had raised. He denied that he had had immoral relations with Rose Harsent, stating that when he went into the "Doctor's Chapel" it was merely to help her to shut a heavy door which was stuck. The evidence of Wright and Skinner was entirely false. It was at his own request that the inquiry had been held at Sibton Chapel, and he had continued in his offices after the investigation. He never used buff envelopes for his correspondence, and the letter sent to Rose Harsent shortly before her death was not written by him. He had once received a letter from the girl about a church matter, but he had never written to her. Concerning the shoes, he was evidently contemptuous—in view of the storm—of Morriss's story of the footmarks. He denied any knowledge of the light in Rose Harsent's bedroom window, and declared he was unaware at that time that such a light could be seen from the roadway before his house. His wife, he now admitted, had gone to Mrs. Dickenson's first on the night of the 31st; he had followed a few minutes later, after seeing to the children. They went to bed about two o'clock, and he was in his room until eight o'clock next morning. Mr. Dickens cross-examined skilfully, but did not score a decided advantage over the witness, who emerged from the duel with credit. It was, in fact, an excellent appearance in the box which must have assisted materially towards his acquittal.

That is a brief summary of the important evidence

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led at the second trial of William Gardiner. A fundamental axiom of English law is that a man must be presumed to be innocent until he is found guilty; and, therefore, Gardiner is entitled to the full benefit of the presumption since two exhaustive efforts by the Crown failed to lay the responsibility for the murder at his door. No one has the right to assert that a miscarriage of justice took place or to regard him otherwise than as an innocent man. But the reader who studies the evidence given at the trial must naturally ask himself what opinion he would have formed had he been a member of the jury who listened to it at Ipswich. In doing so, however, one must bear in mind what has so often been said by judges of the Court of Appeal, that to read a report of the evidence is far less informative than to see and hear the witnesses who gave it, and this consideration must detract from the value of an opinion expressed by one who was not present at the trial. Nevertheless, the report makes it clear that the case presented by the Crown was founded upon a number of incriminating circumstances, some of which pointed strongly and others with less force to Gardiner as the guilty person. Thus, in coming to a decision, one will have to ascertain whether these circumstances are merely a group of isolated coincidences or whether they form a chain of evidence that can only be explained by Gardiner's guilt. We imagine that even the accused himself could not deny that the cumulative case of the Crown looked very formidable, but the burden of proof is upon them, and if there is a reasonable doubt the accused is always entitled to the benefit of it. It may be that to the pure logician the reasonableness of a doubt does not depend on the result of a decision. But, fortunately for the conduct of everyday affairs, the pure logician is an extremely rare specimen. We may possess an easy feeling of certainty in deciding a trivial matter, yet, upon the same material, certainty may well be replaced by

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doubt if a man is to die by our decision. It seems to us that, in view of the vital consequences, the evidence against Gardiner is not quite strong enough—that it does create a reasonable doubt in our minds. Nevertheless, we imagine that many will take leave of the case firmly convinced that he was extraordinarily lucky to escape the gallows. But perhaps the popular conclusion will be one of agreement with the majority of the jury at the second trial; or, at any rate, that the abortive conclusion of the Peasenhall Case was the best thing that could have happened in the circumstances.

Leading Dates in the Peasenhall Case.

1901.

- | | |
|-----------|--|
| 1st May. | Alleged meeting of Gardiner and Rose Harsent in the "Doctor's Chapel." |
| 8th May. | Interview between Gardiner and Skinner as to the alleged meeting. |
| 11th May. | Inquiry at Sibton Chapel. |
| 15th May. | Letter of Gardiner's solicitors threatening proceedings for slander. |

1902.

- | | |
|----------------------------|---|
| 14th April. | Letter from Rouse to Gardiner regarding his conduct towards Rose Harsent. |
| 30th May. | Letter in buff envelope posted to Rose Harsent. |
| 31st May
or
1st June | Murder of Rose Harsent.
} |
| 3rd June. | Arrest of William Gardiner. |
| November. | First trial of William Gardiner for murder. |

1903.

- | | |
|---|---|
| 21st, 22nd,
23rd, and
24th January. | Second trial of William Gardiner for murder.
} |
| 29th January. | <i>Nolle prosequi</i> lodged by the Treasury. |

THE TRIAL
AT
THE SUFFOLK ASSIZES, IPSWICH,
ON
WEDNESDAY, 21ST JANUARY, 1903.

Judge presiding—

MR. JUSTICE LAWRENCE

Counsel for the Crown—

MR. H. F. DICKENS, K.C.

HON. JOHN DE GREY.

(Instructed by Mr. E. P. Ridley, on behalf
of the Treasury.)

Counsel for the Accused—

MR. ERNEST E. WILD.

MR. H. CLAUGHTON SCOTT.

(Instructed by Messrs. Leighton & Aldons.)

First Day—Wednesday, 21st January, 1903.

Opening Speech for the Prosecution.

Mr. DICKENS—May it please you, my lord; gentlemen of the jury, you have been sworn to try the question as to whether the prisoner at the Bar is guilty of the murder of Rose Harsent, who met with her death on the night of the 31st of May or the early morning of the 1st of June, in last year. The inquiry, I need hardly point out, is one of the utmost importance. To the prisoner at the Bar, of course, it is of the greatest gravity, but in the interests of public justice it is imperative, if this man killed that unfortunate girl on the night of the 31st of May, that he should not be allowed to escape. You will try this without fear, without sympathy, without prejudice. If this man is guilty of the crime of which he stands charged, the crime is of so diabolical a nature, so cold-blooded, so premeditated, that no sympathy should be extended towards him. If, on the contrary, the Crown do not satisfy you of his guilt, he needs no sympathy at your hands. It is an unfortunate consequence of all crime that the criminal brings sorrow upon those who are nearest and dearest to him, and I must warn you that you must not, because you sympathise with this man's wife, allow your better judgment to be warped.

It is impossible to suppose that you are not aware that this has been tried before. Having regard to the interest which the case aroused at the time of the first trial, widely advertised, read by members of the public, it would be idle for me to suppose you are not aware of that fact. With that trial we have nothing to do. You are sworn upon your oath to give your verdict according to the evidence which comes before you. We have no

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right to inquire, we have no means of inquiry, as to what took place in the jury-room when the jury retired to consider their verdict. What you have to do—and you will excuse my reminding you of that fact—is narrowly to watch the evidence, and see if the Crown prove their case; and when once that case is proved to your satisfaction no man has a right, when once he has taken the oath as a jurymen to decide according to the evidence, to allow any kind of feelings of his own, whether he is opposed to capital punishment or anything of that kind, to interfere with his judgment. May I also suggest to you that it would be well—it is absolutely necessary—that, whatever you may have read about this case, you must entirely remove any impression of what you read from your minds. However good a report in a public newspaper may be, you know as well as I do that the effect of evidence when you read it is very different from the impression the evidence makes on your mind when you hear it. Let us start with an absolutely clean slate, with no impressions formed either for or against the prisoner at the Bar. I direct your attention to the evidence, and upon that evidence this case must be decided. The Crown have to satisfy you of this man's guilt; they have to satisfy you of his guilt beyond any reasonable doubt. What I mean to say by a reasonable doubt is a doubt created in your minds by the effect of the evidence which is laid before you. If there is any reasonable doubt arising from that evidence, and out of that evidence, then the Crown have not fulfilled their duty, and have not satisfied the burden which is upon the Crown to prove this man's guilt. My learned friend, Mr. de Grey, and I are charged with the prosecution in this case on behalf of the Treasury, and I hope to conduct the case temperately, with the utmost fairness to the prisoner at the Bar, but at the same time to carry out my duty—my undoubted duty—which is to see that justice is done, and, when you have heard this evidence,

Opening Speech for Prosecution.

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we shall ask you to say that the case has been made out, and that the man who dealt those deadly blows upon this girl is the man who stands before you. That is the issue before you.

The prisoner at the Bar is a married man with children, something like forty-five years of age. He lives at Peasenhall; he is a foreman carpenter at the Peasenhall Drill Works, and has been, I think, for some time; and he lives with his wife and family in the main street of Peasenhall village. Rose Harsent, at the time of her death, was twenty-three years old, and she was in service with a Mrs. Crisp, in Providence House, also situate in Peasenhall.

To summarise the case which we shall lay before you, before I detail the evidence upon which we base our case, I may tell you that the case for the Crown is this: that this man, the prisoner at the Bar, was not only a married man, but held a very prominent position in his church, which is a church of the Primitive Methodists, at Sibton, close by, being school superintendent, choir-master, assistant society steward of the trust and school fund, and therefore he was a man, both as regards his position in the church, with regard to his friends, and with regard to his wife, to whom it was imperative that no kind of suggestion of shame should be successfully imputed against him. The case which we shall lay before you is that he had an immoral connexion with the girl; that his conduct raised a scandal in the church; that there was an inquiry with regard to his conduct; that having regard to the fact that he denied it and the girl denied it—there were two witnesses on the other side—there was impasse, and no real result obtainable either one way or the other; and that after this, and although he promised Mr. Guy, the minister of the church, not to have anything more to do with Rose Harsent, he continued the intercourse with her, that letters passed between them, until at last the girl became

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enceinte. She was six months *enceinte* at the time of her death, and our case is that he then wrote a letter, saying he would come and see her in her room at twelve o'clock on that night; that at some time that night he did visit her; that he killed her; and that he afterwards tried to burn the body. I will tell you shortly the chain of evidence we shall lay before you to support that theory. It is a chain of circumstances which we say all lead up from one another and weld all these links into one strong and unbreakable chain, which leads to the inevitable conclusion that this man, and this man only, committed that crime.

Gentlemen, it will be necessary at the outset to give you an explanation of the situation of the house where the accused lived, and the situation of Providence House, where the girl lived; also to describe to you the interior of Providence House, because it is important you should know where the girl slept, and what was the access to the room in which she slept.

Mr. WILD—I am sorry to interrupt my learned friend, but really all his witnesses must be out of Court.

Mr. DICKENS—Of course, all witnesses for the Crown must leave the Court, but surely you have no objection to the doctors remaining?

Mr. WILD—Mrs. Crisp is at the back.

Mr. DICKENS—Oh, she must be out.

Mr. JUSTICE LAWRENCE—Do you want all witnesses out of Court?

Mr. WILD—No, my lord, not the expert witnesses.

Mr. JUSTICE LAWRENCE—The others must go, of course.

[Mrs. Crisp, Mr. J. Guy, Supt. Andrews, and other witnesses thereupon left the Court.]

(After handing the jury a plan, Mr. Dickens continued.) You see a red building at the corner of two roads, the Hackney Road, and the other not named on the plan, the Rendham Road. At the corner of these

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two roads—in fact, they are four cross-roads—is Providence House. If you go down the main street of Peasenhall, you will find a building coloured blue. That is the accused's house, and the distance from that house to Providence House is something like 200 yards—208, I think, to be exact. It is important to know that if you go out of the accused's house into the middle of the road, or go a little to the right or left, you will be able to see a light shining in the window of the room in which Rose Harsent slept. I will show you that window by a photograph later on, and the importance of that you will see presently. Looking at the bottom of the plan, you will see a green portion marked "Chapel." That is the chapel called the "Doctor's Chapel," and has nothing to do with the accused's Methodist church, which is an entirely different persuasion. That chapel you will see stands back some little distance from the road. Opposite to it are the ironworks in which accused was engaged as foreman carpenter. Will you be good enough now, before I go to the inside of the house, to look at some photographs which are important? (Photographs were then handed up.) One is the east front of Providence House, and looking at that you see three windows. The top window of all, just under the roof, is the window of the room in which Rose Harsent slept. That window looks right down Peasenhall Street, and, as I said, from opposite accused's door a light could be seen without difficulty shining in the window. The door to the left under the tree is one entrance into the house, the main entrance is on the north side, which you can just see, and this I will now show you a photograph of. The north side is on the Hackney Road; you see there is a gate with some stone pavements, leading up to the steps. But if you don't go to the door, there is an ill-defined pathway alongside the house by which you can go round to the back of the house. Now I will show you the back of the house, and this, of course, is a very

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important view. Supposing you have not got into the door at the north front but went round this pathway, you come to a door by which you enter the vinery or small greenhouse. Immediately on is the entrance to the kitchen. Take the plan again. I want to explain to you the interior of the house. I do so for the reason of showing you that access to the girl Rose Harsent's room was by a flight of stairs leading directly into the kitchen. If you go into the back and into the vinery, you would go straight into the kitchen, and from the kitchen into her bedroom, without going into any other part of the house. The main staircase of the house used by Mr. and Mrs. Crisp is quite independent of that leading to Rose Harsent's room; therefore, the girl, in the room where she slept, was practically isolated from the other part of the house. Let me show you that by this plan. Here, if you will be good enough to follow me, is the opening into the conservatory. It is shown on the plan here. Supposing you come in from the back and go into the conservatory door, immediately you come in on the left is the door leading into the kitchen. Let me explain the kitchen before I go anywhere else. At the other side of the kitchen you will see the stairs, and these stairs lead to Rose Harsent's bedroom, and to her bedroom alone, and nowhere else. There is a scullery to the kitchen, and the door of the stairs opens inwards into the kitchen. There is a window, you see, from the kitchen looking into the conservatory, just close to the door, and if you come through the conservatory instead of turning into the kitchen you come to another door leading into the hall. Out of that hall you will see the stairs leading up into Mr. and Mrs. Crisp's rooms upstairs, and which have no reference whatever to the floor on which Rose Harsent sleeps. From that hall you get into the parlour, and there are steps going down to the cellar. The lobby on the other side, leading into the dining-room, leads up to these steps, leading up to

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the north front, which I showed you where the gate was, and where I pointed out to you the stone pavement. So that not only is this house within 200 yards of the house of the accused, but you can see the light from the girl's window, and if any one wanted to get to the girl's room, he could do so without being seen and without going into any part of the house except by the back door, and through the viney and into the kitchen. I hope I have explained clearly the situation of the house, because it is important you should bear it in mind.

There is one more thing I must draw your attention to, and that is the chapel. This chapel is called the "Green Chapel"; I forget what distance it is from the road, but you will see it stands back, and there are no houses near to it. It is an old chapel which has been in existence for some years; it has an old thatched roof with rubble wall. There is a plan of that chapel at the side of the map you have there. The elevation shows a door, a window to the left of the door, and two ventilators—one close to the door, and another close to the window—and there are open ventilators. If you look into the interior of the plan, you will see there are seats, and there is a reading-desk. You see the window and door, and you see the ventilator close by the window. Although it is very much reduced in size by reason of the perspective of the picture, you see the other ventilator at the further end of the chapel.

I think the best way to deal with this case is to deal with it directly in chronological order. It is very much easier to follow, and makes the facts very much clearer than they would otherwise be. The story opens in May, 1901. In that month an episode takes place which raised a scandal with regard to the accused's conduct with Rose Harsent. There are two witnesses—one named Skinner, a labourer, and the other, Wright, a wheelwright—who will tell you a story which I venture to think, so far as Skinner is concerned, it is impossible

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could have been invented. At about a quarter to eight on the 1st of May, 1901, they saw Rose Harsent go into the chapel, it being her duty to clean the chapel. She had nothing to do with it, for it was not her church; she was a member of the Sibton Primitive Methodist Church. She cleaned the chapel every week. She had not gone in very long before the accused followed her, and these two young men naturally thought it was a very odd thing that this man, at a quarter to eight, who had nothing to do with the church, should follow this girl into the chapel, and after they were in for a time they heard rustling, and the woman cried out, "Oh, oh." Wright then left, but Skinner heard the conversation. "Did you notice," said the girl, "my reading my Bible last Sunday?" "Yes," said the man. "What do you think I was reading about?" The girl then remarked, "I was reading about what we have been doing to-night. You will find it in ____." [Counsel quoted the verses in the Bible the girl had spoken of.]

Gentlemen of the jury, you must form your own conclusions as to what happened between the man and the woman on that occasion. It was a most extraordinary story to invent. I suggest to you on the part of the Crown it is an impossible story to invent, and it is almost incredible that two young men without any feeling of antagonism to this man in the dock should have invented a story like this, which might imperil the life of a man. After this it happened that they heard the girl say she must go; she would meet him again. They went away—the woman first, and then the man. Wright had by this time come back, and he saw them come, and I think there was some conversation either by Skinner or Wright. Of course, that is not in one sense an issue in this case, but it is a very important element in considering as to whether or not there would be a gross scandal between this woman and man on the 1st May, 1901. Knowing

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what has passed, the suggestion may be that outside these boys could not hear what was said inside, but it depends entirely on how and where you speak. That occurrence was on the 1st May, and of course it became a topic of conversation in the neighbourhood.

On the 8th May, Gardiner invited Skinner to come to his room, and then asked him, "What is it that you have set afloat about me?" Skinner told him what he had seen; the man denied it, and demanded an apology, which Skinner would not give. Mr. John Guy, at Halesworth, is superintendent minister of the Wangford Circuit of the Primitive Methodist Church of which Sibton formed part, and on the 11th May there was an inquiry at Sibton Chapel with regard to the circumstances of that night. Wright and Skinner both gave evidence. The accused strenuously denied the story. The girl Rose Harsent was not present, but she also later denied it to Mr. Guy, and, of course, it is a point in their favour—and it is fair you should consider it—that when charged with this offence both denied it. On the other hand, looking at this as men of the world, one knows perfectly well it was to the interest of the accused and Rose Harsent to deny their guilt of the charge of immorality—a charge of serious consequence to this man, having regard to his position in the church, and a charge of grave consequence to the girl, in regard to her position towards the world. Mr. Guy will give you evidence of what took place. The young men were cross-examined and stuck to their story; but having regard to the fact that there were two witnesses on one side, and on the other side both the accused parties denied it, nothing further could be done and no report was made. And I think Mr. Guy will tell you that as no charge was formulated against accused, nothing more was done with regard to it. About that time Gardiner appears to have written to the girl herself, for two letters were

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subsequently found in her possession. The first was this:

" Dear Rose,—I was very much surprised this morning to hear that there's some scandal going the round about you and me going into the Doctor's Chapel for immoral Purposes so that I shall put it into other hands at once as I have found out who it was that started it. Bill Wright and Skinner say they saw us there but I shall summons them for defamation of character unless they withdraw what they have said and give me a written apology. I shall see Bob to-night and we will come and see you together if possible. I shall at the same time see your father and tell him.—Yours, &c.,

" WILLIAM GARDINER."

" Both Wright and Skinner say they saw us there, but I shall summons them for defamation." Gentlemen, it is entirely for you to say whether Gardiner was not putting Rose Harsent upon her guard, and suggesting that they were not in the chapel at all. The next letter was as follows:—

" Dear Rose,—I have broke the news to Mrs. Gardiner this morning, she is awfully upset but she say she know it is wrong, for I was at home from $\frac{1}{2}$ past 9 o'clock so I could not possibly be with you an hour so she wont believe anything about it. I have asked Mr. Burgess to ask those too Chaps to come to Chapel to-night and have it out there however they stand by such a tale I dont know but I dont think God will forsake me now and if we put our trust in Him it will end right but its awfully hard work to have to face people when they are all suspicious of you but by Gods help whether they believe me or not I shall try and live it down and prove by my future conduct that its all false, I only wish I could take it to Court but I dont see a shadow of a chance to get the case as I dont think you would be

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strong enough to face a trial. Trusting that God will direct us and make the way clear—I remains, yours in trouble,

“ W. GARDINER.”

His solicitor then writes both to Wright and Skinner on the 15th May—

“ Halesworth,

“ Suffolk, 15th May, 1901.

“ Sir,—Mr. William George Gardiner of Peasenhall has consulted me in reference to certain slanderous statements which he alleges you have uttered and circulated concerning him and a young woman. I have to inform you that unless you tender my Client an ample written apology within seven days from this date legal process will be forthwith commenced against you without further notice to yourself.—Yours faithfully,

“ HAROLD A. MULLEN.

“ Mr. Wm. Wright, care of Mr. Redgrift,

“ Peasenhall, Saxmundham.”

No apology at all was given. These young men would not apologise, for what they said was the absolute truth, and no steps were taken against them. I don't lay much stress upon that, for these young men are working men, and no proceedings against them would have resulted in any good to the accused, except this—that he would clear his character, and to do this he would have to put himself to expense. Therefore, I don't think you would place very much stress upon the fact that this threat was not carried out. I don't think it will be disputed that the young men's story is true up to a certain point. I don't think it will be disputed that the man was there, nor that he went to the door; but, as I understand, the suggestion will be that he remained outside talking about the hymns for next Sunday, and never entered the chapel at all. That episode ended, but the evidence we shall lay before you is that the intercourse between Gardiner and the girl

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did not end there. But before I leave the episode I must give you one bit of evidence of great importance. Mr. Guy, after this inquiry had been held, saw the accused at his private house, and he said to him in a kindly way, "Let this be a lesson to you for life," and accused said, "It will." He added, "I will have nothing more to do with Rose Harsent." "Be careful in all your proceedings," said Mr. Guy, "with the young people, so as to be above suspicion," and they parted with a promise on the part of the accused that he would have nothing more to do with Rose Harsent. Mr. Guy was a friend of theirs, a minister of the church, carrying on the same church work as the accused carried on, and Mr. Guy could have no motive at all for exaggerating in the slightest degree what was said by the accused, or for in the slightest degree giving any kind of colour or colourable exaggeration to the meaning of his words.

That episode ended, we come to that of the following year. Now we come to a bit of evidence of the greatest importance, more especially having regard to the character of the gentleman who is the witness—Mr. Henry Rouse, an elderly gentleman of position in the church, of equal position with the accused; a man who had never had a quarrel with the accused; who had never been on bad terms with the accused, against whom, as far as I know, nothing can be fairly imputed; and he will tell you that on a Sunday night in February, 1902, when he was going home from Yoxford, at about nine o'clock in the evening, he saw the accused and Rose Harsent walking together away from home. I think the man passed "Good night," or something of that kind, and no answer was made. But Henry Rouse, I think, knowing the charge which had previously been made against him in connexion with this girl, believing from what he saw, as any one naturally would believe, that this connexion was still continuing between them, shortly afterwards spoke to him on the subject, and pointed out

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to him that he was not carrying out his promise. The accused said this: "I do acknowledge being with Rose on Sunday night, but I will never repeat it again." If this is true, it is cogent evidence to show that his intercourse with the girl was continued. You will hear Mr. Rouse's evidence, and you will see, and you will have to ask yourselves the question, whether there is anything in that gentleman's demeanour which would point to the fact that he is deceiving you, or whether there is any motive for his being so wicked as to invent a story of that kind to you as against the accused on his trial for murder. Mr. Rouse preaches in this chapel, and on one occasion when he was preaching he noticed some acts—the girl sitting next the accused during the service while he was preaching—which he would describe, and which were of an indelicate character. Instead of doing what he might have done—bringing this before the church, and adding to the scandal, or blasting this man's character to his church by telling the church that he had seen this man with this girl on that night—he acted in a way which I think you will now regard as being charitable; but when once he had got a promise from this man that he would not be with Rose Harsent again, he said no more about it; and on this occasion when he saw what he thought was an act of indelicacy between the man and the woman in church-time, instead of denouncing him, he wrote him a letter. The letter was an anonymous one, written by his wife, and under the circumstances I venture to think that his writing anonymously does not cast any discredit upon him. He did not want to pose as being a man putting himself forward, as accusing a fellow-member of his church. He wanted, if he could, to get this man to stop this intercourse, as he promised to do, but he saw them on February of that year, and he wrote this letter, which I venture to think is a fair and proper letter, and dictated

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by the best feeling and the best kind of feeling which one man can bear to another. In it the writer warned the accused as to his conduct with the girl Harsent as being likely to drive many people from the chapel. He did not, he said, wish Gardiner to leave God's house, but there must be a difference in his conduct before God's cause could prosper, as people could not hear when the enemy of souls brought this thing before them. The letter concluded: "I write as one that loves your soul, and hopes you will have her sit in some other place." That letter was written on 14th April, 1902. After this, Harry Harsent, who is a brother of the girl, will tell you that he has carried letters from the accused to the deceased. (Here two envelopes were produced.) These envelopes are of the same colour and kind as those which are used in Smyth's works. One is a blue and the other is a buff envelope. Harry Harsent will tell you that he carried letters in blue envelopes of this kind from the accused to his sister in June of the previous year, and also some this year, and you will also have evidence by the postman and by Mrs. Crisp that letters in that sort of blue envelope were delivered to the girl at Providence House; and the boy will also tell you that he carried, I think, this year two letters from his sister to the accused himself.

Brewer, who was postman at Yoxford, on the 31st May, which was a Saturday, delivered a letter in a buff envelope of that kind addressed to "Miss Harsent, Providence House, Peasenhall, Saxmundham." That letter he delivered at 3.15 on the Saturday. It must have been posted between 6.30 on the Friday, the 30th, and 10.55 on the morning of the Saturday, and it would go through to Yoxford from Peasenhall, and be delivered at Peasenhall at 3.15 on that Saturday afternoon, and the postman will tell you on other occasions he has delivered letters in the same buff-coloured envelopes. We now come to the critical day, the 31st May. Mrs. Crisp,

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I will try to see you tonight
at 12 o'clock at your place if you
Put a light in your window at
10 o'clock for about 10 minutes then
you can take it out again.
I don't have a light in my room at
12 as I will come round to the
back



Miss Harriet
Providence House
Preston Hall
Taxmundaun

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who was Rose Harsent's mistress, took in this, which was addressed to the girl in this buff envelope, and put it on the kitchen table. She took it in at a quarter-past three, and in the ordinary course put it on the kitchen table, where the girl could see it. It was found in the girl's room after she was dead, and it is a letter which we shall ask you to say, when you compare it with letters in the accused's handwriting, is undoubtedly in the accused's hand. It is a letter of the greatest consequence, and you will appreciate how important it is when I read it to you. It is as follows:—

" Dear R,—I will try to see you to-night at twelve o'clock at your Place if you Put a light in your window at ten o'clock for about ten minutes. Then you can take it out again. Dont have a light in your Room at twelve, as I will come round to the back."

You will now appreciate the importance which I attached to the position of the two houses, and to the fact that going outside the accused's house in the middle of the road you can see a light burning in Rose Harsent's room. I am not going to stop at the present to give any comparisons of handwriting; that will come later. This is a carefully written letter. It is a letter written very straight, very carefully spaced, and the only real difference between that and letters which the accused wrote on business from Paris is that he wrote the latter with a fine pen, and apparently hurriedly in a sloping style. When you compare that letter with these written from Paris, and also with a letter which was written from prison, and which was asked for on the last occasion for further comparison, we shall ask you to come to the conclusion that you have no doubt that this letter is in the accused's hand. It has a very great peculiarity. There is a very peculiar thing about it—that he puts capital letters in the middle of sentences, especially his "P's." "I will try to see you to-night at your Place"

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—capital “P.” “ If you Put a light in your window ” —capital “P” at “put” “Dont have a light in your Room at twelve”—capital “R.” I will say no more of the letter at the present time, except that the case for the Crown is that that letter is in the accused’s hand. Mrs. Crisp went to bed about a quarter-past ten. Her husband is a very deaf man, and when she went to bed, she, I think, saw the girl in the kitchen. A candlestick was used for the purpose of going up to her bedroom, and a lamp with an ordinary well for paraffin oil was kept for use in the kitchen. During the night a storm arose—a very violent storm, and Mrs. Crisp was awakened by the storm, and went downstairs. She saw the door leading into the kitchen was open, that is to say, from the lobby. There was no light; no one was stirring; and she went to bed again. She was awakened very suddenly, hearing a suppressed scream and a thud as of something falling. She made some observations to her husband, who seemed to think it was nothing, and she did not go downstairs again. She first of all, before the Coroner, said that she thought she went downstairs the first time between twelve and one, and that she heard the thud between one and two, but it is clear that she had no reason for knowing what the time was. She did not see the clock, and heard no clock strike, and what the time was she will not be able to give you any evidence about. The question is whether the accused at any time during that night went into the house and killed the woman. It is impossible for the Crown to satisfy you as to any particular time of the night at which this murder was committed.

Harry Burgess, a bricklayer, is the next witness, and carries the case a little further. Remember the letter, “ Put a light in your window at ten o’clock and leave it there ten minutes ”—that was to be the signal that she would expect him at twelve; and it is a remarkable thing that about that time the accused was in front of

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his house, and I do not think it will be disputed that he walked out of the front of the house, as we suggest—having regard to the terms of the letter, and having regard to the time—for the purpose of seeing whether that light was burning or not. Burgess will tell you that, walking on as he did after leaving the house, he noticed that a light was burning in the top window of Providence House, looking down the street. It appears that in consequence of the storm, a neighbour of theirs of the name of Mrs. Dickenson, who was a nervous woman, and who was apparently frightened by the storm, asked the accused and his wife to go in and keep her company; and, according to her, the wife came in somewhere about half-past eleven; that the accused came somewhere about midnight, or some little time afterwards; and that they stopped in the house until half-past one.

We now come to a very important bit of evidence, which is given by a man named James Morriss. James Morriss is an assistant gamekeeper, and James Morriss will tell you that on that Sunday morning of the 1st of June he was out at five o'clock in the morning. Of course, he knew of the scandal which had taken place with regard to the girl and the man, and he saw leading from the accused's house right away up to the gate of Providence House footmarks, not of ordinary boots, but of india-rubber shoes, with bars across; and before he knew of the murder, having regard to his suspicions with respect to them, he made some observations to his assistant gamekeeper about it. Of course, he did not know of the murder till much later, and he saw not only those footmarks leading to Providence House, but footmarks returning to the accused's house. You will find there is a very remarkable thing about this. The police did not know of this fact until about the 6th of June, when they received some information, and then they spoke to this man with regard to what he had seen; and although they had had certain articles of clothing

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handed to them by the accused's wife, at that time no one knew for a moment that the accused had such shoes in his possession. But after this story had been told they found that the accused had shoes exactly corresponding to the marks seen on that night, and when this man was examined before the Coroner, I think it was the foreman of the jury who drew the sole of a foot, and asked him to mark upon the paper what kind of bars they were. The witness then marked the paper with broad lines across, corresponding to the soles of the accused's shoes. Therefore, you have on that night, if Morriss is telling you the truth—and there is no reason why he should not—some person, who must have had some very strong object in going to that house with shoes somewhat unusual to wear at that hour of the night, exactly corresponding with the accused's, and leading directly from the accused's house to Providence House, stopping there and returning in the opposite direction.

The next morning a man named Herbert Stammers will tell you at half-past seven he saw the accused in his backyard go to the shed at the back, where there was a fire in the copper. He will tell you that it was unusually early for a fire to be lit. Of course, what was done with that fire we don't know. At about eight o'clock on the Sunday morning William Harsent, the father of the girl, who was in the habit of taking her clean clothes on the Sunday morning, went as usual and found the viney door open, and the girl lying dead in the kitchen in her nightdress. The floor was covered with blood almost entirely, curiously enough, on one side, the left side of her, and she was dead. Her feet were lying out into the room, and her head against the stairs. The door had evidently been violently opened, because a bracket behind it was broken by the door being slammed against it. The poor father, of course, at once raised an alarm, and Eli Nunn, a police constable, came in about a quarter to nine. Nunn will

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describe to you exactly what he saw, and it is of very great importance you should have this picture well in your mind. Against the window near the part looking out into the conservatory he found on the inside, pinned up with a fork, a wrapper belonging to Mrs. Crisp, which she had seen herself on the previous day. This was hung up obviously to prevent anybody seeing a light in the window. Nunn found the girl dead, and found—which is an important element to bear in mind—that the man, whoever it was, had committed the murder with such care that there was not the slightest appearance of any trampling in the blood. Whether the man who committed the murder took his shoes off we don't know, but, however he did it, he left no trace of his footmarks, either in the blood, or bloody footmarks on the kitchen floor, or outside. An attempt had been made to burn the body, and it is remarkable that the burning should be about the abdomen and buttocks, for there was no doubt the girl was *enceinte*.

Now we come to a very remarkable part of this case. By the body on the floor, first of all, was the candle used by the girl to take her to her bedroom, having burned itself out. On the floor, close to the body, was a paraffin-oil lamp. Nearest her head was the foot or stand of the lamp; next to that was the glass of the lamp unbroken; and next to that was the oil well, half-filled with paraffin oil. If you know these oil lamps, you will realise that if you pour out the oil with the wick in it, it only comes out drop by drop. That an attempt was made to burn the body by paraffin was beyond all question, for there was paraffin mixed with the blood and about her nightdress and body. On the floor, too, was found a broken bottle, and by the fireplace, where it must have rolled, was found the neck of a bottle with a cork tightly jammed in. So tight was it that you could not get it out, but on that part of the bottle was found a label giving instruc-

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tions as to the doses to be given to Mrs. Gardiner's children. The doctor will tell you that that was a bottle which he gave to Mrs. Gardiner for her children some little time before, and what we suggest took place was this—that the murderer, whoever he was, with that cold-blooded, brutal premeditation, had gone there with the object of meeting the girl and getting rid if he could of all trace of her shame by burning the body. For that purpose, we suggest, he took with him the bottle filled with paraffin oil, but in putting the cork in, with a view of putting it in such a way that it was not likely to come out, he put it in so tightly that when the murderer took the bottle from his pocket he could not move the cork. He thereupon tried to get the oil out of the lamp, as was suggested by the way the lamp was found taken to pieces, but not being able to get the top off he broke the bottle in order to obtain the paraffin. In breaking the bottle the accused forgot he was leaving behind the label, and which we suggest is damning proof against him. It is for you, gentlemen of the jury, to say whether the man who murdered that woman brought the bottle or not. If that is your view, then the label shows that that bottle must have been brought with the oil in it by the accused.

Upstairs we find in the girl's room (holding a letter) this letter making an appointment. It was enclosed in a buff envelope. There were also found two letters which were written by the accused to the girl upon the occasion of the scandal of May, 1901. There were also found letters and poems of a grossly indecent character, which were not written by the accused. Of course it was obvious that it was necessary to trace the writer of those letters, to see whether the writer had anything to do with the murder. The writer was a young man named Davis, who must be heartily ashamed of the beastly letters and poems he gave to this young girl. But it will not be suggested that the young man Davis had

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anything to do with, or took any part or share in, the murder of this unfortunate girl. If that be so, it still remains that some one had a motive to get rid of the girl. Some one came there that night with shoes like the accused's; and some one was brought into contact with the medicine bottle, which must have come at some time or other from the accused's house. Some one came there that night who had written that letter, which we suggest was the accused's, and it is certain the some one who came there had a direct object in getting rid of the girl and her body. It is unfortunate that any one should have entertained the astounding idea that the girl had committed suicide. She had two wounds in her throat, either of which would have been fatal—the jugular vein was severed and the windpipe was severed. Either of them would have been fatal, and if one had been inflicted there would have been no possibility for the person to inflict another upon herself. No weapon was found near the body nor in the room, and the result of that was, that in consequence of this astounding theory that it was a case of suicide, the accused was not arrested till Tuesday, the 3rd of June. So from Saturday till Tuesday morning the police had taken no steps whatever, and the accused was not arrested till that day.

The superintendent of police at the time when there was the suggestion of suicide, saw the accused, and I think he saw him on the Monday, the 2nd of June. The accused then said that "last Saturday I left the house at 2.30, and got home at 9.30. I had my supper and, because of the storm, was looking out of the front door. I went to Mrs. Dickenson's and stopped there till 1.30." The superintendent then pointed out to the accused the extraordinary resemblance of the handwriting. The accused admitted the resemblance, but denied the letter was his.

Dr. Charles Lay saw the body at 8.40, and he will describe the wounds. As far as one could judge, there

William Gardiner.

Mr Dickens

was a kind of upward wound which showed that the instrument with which the deed was done was sharp in blade and at the point. There were signs of injuries on the hand also. Apparently what must have happened was this: whoever murdered the girl came into the room ready to kill her. The poor creature opened the door leading into the room, and the person must have at once rushed at her, slammed the door against the bracket, and then got behind her, cutting her throat in this way. Of course, as the doctor will tell you, it is very difficult to say, symptoms of rigor mortis having begun to appear, the exact hour that life ceased to exist. That she had been dead some hours when found was undoubted. You will also have described to you the nature of the charring of the body, and of the attempted burning. There is another small matter on which I do not place too much reliance, and that is that a copy of the *East Anglian Daily Times* was found underneath the body, also charred. Mrs. Crisp never took that paper in, but young Harsent, the brother of the murdered girl, used to take it to the accused every day, and he took it to him on the previous Friday. The contents of the charred paper, when compared with other copies, showed that it was of Friday's issue. You must not pay too much attention to this one small matter: there are many others of greater importance.

Dr. Stevenson, the well-known analyst, analysed those things which were given up, and, with regard to the man's clothes, no blood was found on any of them. They were given up from time to time. Whether all were given up, it is impossible for the prosecution to say. Time elapsed between Saturday and Tuesday before the accused was arrested. A double-bladed penknife was found belonging to the accused, and the blades were of such a character that they could have inflicted the wounds found upon the woman's body. Dr. Stevenson will tell you that undoubtedly the knife had been

Opening Speech for Prosecution.

Mr Dickens

recently cleaned, and not only recently cleaned but recently scraped and scraped inside. Although it had been scraped—I think Dr. Stevenson saw it on the 9th June—he found inside the knife traces of recent mammalian blood, which could not have been more than a month old. Mammalian blood may be of human creatures or of animals. That there were traces of recent blood, and that the knife had been recently scraped and cleaned, is beyond all question. He discovered nothing else except a tiny piece of cloth, and no stress can be laid on that, either on one side or the other—it was such a very tiny little piece of fluffy stuff, on which the Crown place no reliance.

On Tuesday, 3rd June, Gardiner was arrested, and certain clothes were given up from time to time, but no blood was found on them. It was on the 6th June that they first learned the story of Morris about the marking of the shoes. The police then went to the house again—they had had a pair of boots given them before—and then these shoes were produced, and there were no traces of blood on them. That, of course, you must take with this consideration, that whoever committed the murder had been careful not to trample in the blood, and did not, in fact, trample in it. Therefore, he must either have taken his shoes off, or have been so careful in what he was doing as not to trample in the blood at all. As to there being no blood upon the clothes, it is a curious thing that this blood must have all spurted out from the jugular vein on the left-hand side. Of course, to that extent you must take it as in favour of the accused that no blood was found on the clothes given up, and none on his shoes; but if the rest of the evidence is overwhelmingly strong, and points to the one conclusion, that the accused committed this deed, then the fact of no blood being found should not have undue weight with you against the rest of the evidence, if you believe it conclusively shows the accused's guilt.

William Gardiner.

Mr Dickens

That is the evidence we shall call before you, and I merely wish before calling that evidence to summarise it again. First, there is the scandal between the girl and the man in May, 1901. Then the inquiry held and the conversation between Mr. Guy and the accused, in which Gardiner said he would have nothing more to do with the girl. Then in February, 1902, he is seen at nine o'clock at night, walking with the girl away from home in the dark. Next, the expostulation by Mr. Rouse, the acknowledgment that he had been with the girl, and the promise that he would never do it again. Again, no action taken. Then the indelicacy observed in the chapel, and the letter written by Mr. Rouse. Some other letters passed between the girl and the man. Then there is the girl in the family-way—six months gone. Some one in Peasenhall must have had an interest in getting rid of the girl, because no one can suggest that this murder was committed for gain or for robbery or for jealousy. It was for the object of getting rid of the girl, and if possible of destroying the body. Then there is the letter written: "Put your light in the window at ten o'clock." The accused is outside his door about that time, and the light is burning. A storm takes place in the night. It is impossible for him to go home at the time, he said, in consequence of having to keep Mrs. Dickenson company. But that night some one in india-rubber shoes, barred in the way already described, walked from the accused's house to Providence House and back again. On that night some one committed the murder, with an instrument such as you might expect to be represented by a knife such as the accused had. By the body is found this medicine bottle, under the circumstances I have detailed, and with the label on it, "Mrs. Gardiner's children—two or three doses," and in the woman's possession is found the letter making the assignation, showing that whoever wrote that letter knew well the character of the house, and knew well that the

Opening Speech for Prosecution.

Mr Dickens

girl was, as it were, isolated in that house, and that the writer was some one who was going in by the back door. That letter, as we suggest, was written by the accused.

Gentlemen, you will have narrowly to watch the evidence, and say whether it is of such a character that you can thoroughly rely upon it, and whether the suggestions made by the prosecution are well founded. If not, then dismiss any suggestion I have made from your minds. If there is a real doubt in the case, the point is not merely that the accused is entitled to the benefit of it. That is not a fair way of putting it. If there is a real doubt in this case, the accused is entitled to acquittal, because the Crown have to prove to your satisfaction that the accused is guilty. We only ask for justice; we are bound to see that it is done; and it is your duty to bring home to your minds reasonable conviction. If you are reasonably convinced, taking the evidence as a whole, then according to your oaths, and according to the duty you owe to society, you are bound to say that he is guilty. If we have not proved it, you also owe it not only to the oaths you have taken, but in your duty to the accused, to acquit him upon this most grave and serious charge.

Evidence for the Prosecution.

W. H. BROWN, examined by the Hon. JOHN DE GREY—
I am an architect at Ipswich, and I produce plans of Providence House, and also of the street in which accused resided. The distance from the Doctor's Chapel to Providence House is about 195 yards. The chapel stands about 30 yards back from the road.

Have you looked from the road in front of the house in which the accused lived to see whether the top window of Providence House is visible from that point?—Yes.

And could you see it?—Quite easily.

William Gardiner.

W. H. Brown

[Witness gave further details with regard to the plan of the house, and the examination continued.]

There is a path from the gate on the north of the lobby to the house?—Yes.

There is another path leading from the house. Have you marked that?—There is another path leading from the front path to that gate.

I do not think you have marked that?—It is not marked here, but there is a footpath.

Leading to the west?—Yes.

What sort of a path is that leading to the west?—An ordinary gravel path.

And does that go right round the house?—It comes into the backyard, a continuation of the gravel path.

Round by the door of what is called the conservatory?—Yes; it leads round it.

By Mr. JUSTICE LAWRENCE—It goes round two sides of the house?—Yes, on the north side and on the west side.

Examination continued—It is a pebbled path there?—Partly pebbled and partly gravelled.

Where you come into the conservatory, is there a door leading into the kitchen?—From the conservatory.

And in the corner of the kitchen is there another door leading into some stairs?—At the bottom of the staircase.

And does that staircase go up to the room where Rose Harsent slept?—It leads up to her bedroom.

And except for that communication from that point, is there any other communication with the rest of the house?—No communication.

You have also made a drawing of the Doctor's Chapel?—Yes.

Is that also drawn to scale?—Yes.

I see you have marked two ventilators?—Two ventilators on the south side, and two also on the north on the plan.

On the south side, is that where the fence is?—The south side is against the path which leads into the road.

Evidence for Prosecution.

W. H. Brown

And these ventilators, what are they?—Composed of perforated zinc with wood casing inside.

You mean covering the zinc inside?—Wood casing with the flaps to open and shut, as required.

That is the ground plan of the inside?—That is so.

Showing the reading-desk?—Yes.

The fence that was in front of the chapel on the south side, how far away from the chapel does that stand?—Between 8 ft. and 9 ft. from the centre.

Eight or nine ft. from the chapel?—From the chapel to the centre of the fence.

I see you have marked it as being 2 ft. 9 in. high. Is that correct?—Yes.

Do I understand you, the fence is 2 ft. 9 in.?—2 ft. 9 in. from the top of the bank. The fence is on the top of the bank.

What is the total height from the ground?—About 6 ft. from the path to the top of the fence.

Cross-examined by Mr. WILD—Dealing first with the Doctor's Chapel, the ventilator is what is known as the "Hopper" ventilator?—Yes.

That is a boxed-up ventilator?—Yes.

The sound would have to pass round two corners to get to the ears of anybody outside; it would go through the casing and over the box, and round that way?—Not necessarily. In this case the flap is on the top.

I suggest it opens in the ordinary way?—Yes.

The ordinary Hopper ventilator?—Yes.

It would be more difficult to hear from that ventilator than from an ordinary open ventilator?—Certainly.

I suppose you did not make any acoustic experiments in the Doctor's Chapel?—I did not try.

With regard to the fence, you have told us the fence is on a bank about 6 ft. high?—That is the top of the fence.

By Mr. JUSTICE LAWRENCE—There is a path in front of the chapel?—That is on the south side of the chapel.

William Gardiner.

W. H. Brown

Are you speaking of the fence there?—Of the fence on the south side.

Cross-examination continued—Do you go down the path to get to the chapel?—Yes.

And does this hedge you pointed out run alongside the chapel?—In front of it.

If you go opposite the south-west window to the chapel, can you see into it?—Yes.

Against that window, inside, there is what is called the rostrum, is not there?—A reading-desk, I think.

There is a bench which goes round the rostrum and runs underneath the window?—Yes, it is a moveable bench.

But that bench under the window is fixed, surely?—Fixed to the wall, I think.

The casement is firmly fixed, is it not?—It is an ordinary three-light window.

It is a well-built window?—It is an old-fashioned window, with lead glazed panes.

It doesn't open?—No.

The ventilator is shown in the photograph against the side of the window?—Yes.

You have shown in your plan Smyth's works practically opposite the entrance to the chapel?—Some portion of it is.

Do you know where Smyth's stables are?—At the back of the ironworks, farther from the road.

And if you went from Providence House to the stables, you would have to pass the chapel to do so?—Yes.

And are there a number of houses on the other side?—Yes, between the ironworks and Providence House.

What is the length of Peasenhall Street? Nearly a mile?—Or more, it is a very long street.

And between Providence House and Gardiner's house there are a considerable number of houses on both sides?—Several private houses.

Take Gardiner's side, is not there a whole line of houses?—Yes, from the corner.

Evidence for Prosecution.

W. H. Brown

Mr. JUSTICE LAWRENCE—Nine different buildings on the plan.

Mr. WILD—I think some of those buildings on the plan represent rows of cottages. Gardiner's house is under the same roof as Mrs. Pepper's, and that is only marked as one building. (To witness) I want to ask you a question about Gardiner's house. Did you go into it?—I did not.

So you can't tell us about the staircase?—No.

Did you go to the wash-house?—I did not.

Who was with you when you made that plan?—I took a friend of mine with me.

Are there houses alongside the open yard of the wash-house, shown in grey on the plan?—Yes.

Supposing you were walking from accused's house to Providence House, you would walk along a hard road?—Fairly hard road.

Does the north gate to Providence House open inwards?—It opens inwards.

Is there from that gate to the door ordinary white York pavement?—Part of the width.

Is there a large step in front of Gardiner's house?—A white stone step with a scraper.

Can you tell me the dimensions of the kitchen at Providence House?—About 10 ft. 6 in. by 8 ft. 6 in.

You were shown the broken bracket?—Yes.

That is just behind the staircase?—Yes; the staircase door would open on to it.

There is no other way up to the girl's bedroom except through the kitchen?—Except through the kitchen.

It is not a very large house?—It is a fair-sized house. The house is semi-detached?—It is semi-detached.

Do not Davis's people live in the other part of the house?—I could not tell you the name of the occupiers.

There is an entrance from the backway of Davis's house to Providence House?—There is an ordinary gateway in the fence.

William Gardiner.

W. H. Brown

The fence is not very high?—Above 5 ft.

Re-examined by the Hon. JOHN DE GREY—Peasenhall Street is a macadamised road, and on each side of the brook running through it there is a certain amount of grass. There is no gravel path; it is practically all road the whole width.

GEORGE ANDREWS, examined by the Hon JOHN DE GREY—I am a police superintendent of Halesworth. I took the photographs of Providence House. On the east front is the room in which Rose Harsent slept. The room underneath is Mrs. Crisp's bedroom, and underneath that is the drawing-room. To the left there are two other windows—the breakfast-room—and then there is a lobby leading to the door. The window above the breakfast-room belongs to a bedroom, and I am inclined to think it belongs to the next house. In regard to the north front, there is the main door leading into the lobby, and from the lobby, right and left, the dining-room and drawing-room. On the west aspect, the photographs show the entrance to the conservatory and the entrance to the lobby into the other side of the house. I also took the photographs of the Doctor's Chapel at Peasenhall.

GEORGE WRIGHT, examined by the Hon. JOHN DE GREY—I am a wheelwright, living at Peasenhall.

Do you know the Doctor's Chapel at Peasenhall?—Yes.

Were you near the chapel on 1st May, 1901?—Yes.

At what o'clock?—About 7.30.

By Mr. JUSTICE LAWRENCE—At night?—Yes.

Examination continued—Did you see Rose Harsent on that evening?—Yes.

Where was she?—She was coming down the Rendham Hill.

Where did she go?—Into the chapel gate.

Can you say whether she went into the chapel or not?

—No.

Evidence for Prosecution.

George Wright

Mr. JUSTICE LAWRENCE—Where is the chapel gate?

Mr. DICKENS—On the Rendham Road.

Examination continued—Where were you standing?—I was coming down the Rendham Hill.

What was the next thing you saw?—I met Gardiner after I had passed the chapel gate.

Did you see where he went?—He went past the chapel gate, up the road. I did not notice where he went to.

Did you know where he went to after that?—He came down the road again.

How long after was that?—About five or ten minutes; I cannot say exactly.

Where did he go then?—Down the street, towards his house.

Very well; where did you next see him?—He came up the street again on to the corner.

What corner?—Where the street and the Rendham Road meet, the four cross-ways.

By Mr. JUSTICE LAWRENCE—The corner of Providence House?—Yes.

Examination continued—Where did he go then?—He went up to the chapel; he spoke to me then.

What did he say to you?—He asked me how long I had kept a dog.

Did he have any more conversation?—Well, he said he thought we were going to get some rain.

He stopped talking?—Yes, he came and spoke to me.

After that did you notice where he went?—He went up to the chapel gate.

Do you mean the gate leading into the path that goes to the chapel?—Yes.

Did you see where he went then?—No.

You did not see him go through the gate?—Yes, I saw him go into the gate.

You mean through the gate?—Yes, through the gate.

You know Skinner; was he with you at the time?—No, he was not with me at the time.

William Gardiner.

George Wright

Did you go after Alphonso Skinner, after you had seen Gardiner go into the chapel?—Yes.

Where was Skinner?—He was at his lodgings when I left.

Did you and he go back towards the chapel?—Yes.

How near to the chapel did you get?—About 8 or 9 ft.

Did you go by the path?—Yes, we went by the fence.

While you were there what did you hear?—I heard a voice say “Oh, oh!”

Where did the voice come from?—Inside the chapel.

Did you know whose voice it was?—It was Rose Harsent's voice.

You knew her voice?—Yes, I knew her voice.

Did you hear anything more?—I heard some rustling about.

What did you do then?—I went into the road, leaving Skinner behind.

What happened afterwards?—After a while I went back to Skinner.

Did you find Skinner where you left him?—Yes.

Did you hear anything more?—I heard Rose Harsent say she must be going. I was sure it was her.

That was from inside?—Yes. She either said, “I must be going,” or “You must let me go.”

What did you do then?—I left Skinner again.

Did you see either Rose Harsent or Gardiner again?—I saw Gardiner again.

Where did you see him?—On the Mill Road.

How long after was that?—Some little time from when I first went to the chapel. It was ten minutes after Rose Harsent said she must be going.

Did you see Rose Harsent again that evening?—No; I never saw her again that evening.

In regard to this matter, was an inquiry held by Mr. John Guy?—Yes; we went to Sibton Chapel.

That was on the Saturday night?—I do not know exactly the day we went down.

Evidence for Prosecution.

George Wright

By Mr. JUSTICE LAWRENCE—How long after?—A week after.

Examination continued—Before that inquiry did Gardiner send for you to go to his office in the works?—He asked me to go to his office in the works. He was foreman, and I was under him.

How long after the chapel incident was that?—I think it was a week after.

You went?—Yes.

Did Skinner go with you?—Yes, I went with Skinner; we both went together.

When you got to the office, what took place?—He asked us what we had been saying, and we told him.

The same as you told us to-day?—Yes.

What did he say to that?—He told us if we did not give him a written apology he would go further into the matter.

You would not give him an apology?—No.

Did you afterwards receive a letter from his lawyers?—Yes, from Mr. Mullens, of Halesworth.

At the inquiry at the chapel, did you and Skinner give your evidence?—Yes.

Did Gardiner ask you questions?—No, I do not think he asked any questions.

Did Mr. Guy ask you questions?—Yes.

What was the result?—We never stopped to hear the finish; we came out after we had been questioned.

It was after that inquiry you got the letter from Mr. Mullens?—Yes.

Mr. Denman, clerk of arraigns, then read the letter, which was as follows:—

“ Halesworth,
“ Suffolk, 15th May, 1901.

“ Sir,—Mr. Wm. Gardiner, of Peasenhall, has consulted me with reference to certain slanderous statements which he alleges you have uttered and circulated con-

William Gardiner.

George Wright

cerning him and a young woman. I have to inform you that unless you tender my client an ample written apology within seven days from this date, legal process will be forthwith commenced against you, without further notice to yourself.—Yours, &c.,

“ HAROLD A. MULLENS.”

Cross-examined by Mr. Wild—How old are you?—Twenty-two now.

At this time you were twenty?—Yes.

Were you in receipt of 12s. a week?—Yes.

Were you living with Skinner?—Yes.

In the same room?—Yes.

And sleeping in the same bed?—Yes, sometimes.

Were you not at that time a fellow-lodger and bed-fellow of Skinner?—Yes.

And a great personal friend?—No; I do not think that I was.

During that time Mr. Gardiner had been your foreman?—Yes.

Had he had occasion to reprimand you for your work?—Six weeks after this job at the chapel. On 25th June he reprimanded me.

Did anybody else reprimand you?—Mr. Smyth.

How do you know it was 25th June?—They looked in the books and told me.

They kept the record of your reprimand?—I suppose so.

I put it to you: you were found fault with before this matter?—I was not.

Do not you know?—I was not in any serious matter.

Were you reprimanded in your work at all?—Neither Mr. Gardiner nor Mr. Smyth had told me anything about it.

Were you found fault with in your work?—No; not by Mr. Smyth.

Mr. Gardiner?—No. I don't think I was.

Evidence for Prosecution.

George Wright

You don't know one way or the other?—I feel perfectly sure.

You feel a little surer as you go on? (Laughter.)

Mr. JUSTICE LAWRENCE—If there is anything like laughter, I will have the gallery cleared. People must remember what it is at which they are present.

Cross-examination continued—First of all you are sure, then you are surer, and now you can swear it?—Yes.

Did you like Mr. Gardiner?—Yes.

Did you give your evidence first of all on 19th June before the magistrates?—Yes.

Did you tell the magistrates the truth, the whole truth, and nothing but the truth?—Yes.

You told them everything?—There may have been a word or two missed out.

Did you or did you not tell the magistrates the story you have told to-day?—I have told a little more to-day.

The first time you left out several things?—Yes.

Did you leave out about speaking to Gardiner before he went into the chapel?—I might have done; I do not recollect word for word what I said.

Did you leave out about hearing Rose Harsent say “Oh, oh!” and hearing the rustling noise?—Yes, I left that out.

Why?—Because it did not come into my mind; there was a long time between.

But there is a longer time between now?—I have been over it since.

Oh! Who have you been over it with?—I have with you.

Did you also leave out about going away and leaving Skinner, and hearing her say, “I must be going”?—Yes, I left that out.

[At counsel's request the clerk of arraigns read the depositions of the witness Wright's evidence before the magistrates at the first hearing of the case.]

William Gardiner.

George Wright

Cross-examination continued—Were you examined before the Coroner on 30th June?—Yes.

Between that time had you been talking it over with Skinner?—Well, we had mentioned it to one another.

When you went before the Coroner you told them some more?—I forget exactly what I said.

Were you standing on the Rendham Road when you first saw Gardiner?—I was going down the Rendham Road.

You saw him three times before he went to the chapel?—I can't say.

Where did you pass him first?—Against Church Lane.

So he saw you?—Yes.

You were loitering about?—No; I was going down the road.

When did you see him the second time?—He came down the road.

He saw you then?—Yes.

And the third time, too?—Yes, he spoke to me.

He must have seen you all the time?—Yes.

And must have known you were about?—Yes, he spoke to me.

Do you represent that, knowing you were about, he went into the chapel, and behaved in the way you state?—Well, he did.

You worked round the field with Skinner?—We walked up the path into the field.

You had to climb up a hedge?—Yes.

Did you get opposite the south-west window of the chapel?—Yes; just against a hurdle about opposite the window.

Yes, that is where you and Skinner were?—Yes.

What did you say to Skinner when you went to call him?—What did I say?

That is what I asked you?—I told him that Gardiner and Rose had gone towards the chapel.

Evidence for Prosecution.

George Wright

And you said, "Here's a lark," I suppose?—No, I did not say that.

You thought you were going to see something indecent?—No, we could not see anything because it was getting dark.

You thought you were going to hear something indecent?—Yes.

That is what you expected?—There was not much expecting about it.

Did you young men go along that hedge expecting to hear something indecent?—We did not expect to hear a sermon.

Is that meant to be a joke? Did you go along expecting to hear something indecent?—Yes.

And expecting to hear it, did you hear it?—Yes, we did hear it.

I put it to you, you are lying from start to finish?—No.

And it is impossible to hear as you said you heard. Did you hear a rustling?—Yes.

What was the rustling like?—Well, moving about in the chapel.

What do you mean by rustling?—Well, anybody moving about.

You heard this rustling noise and you assumed that misconduct was taking place?—Yes.

You heard "Oh, oh!" about that time?—Yes, before I heard the rustling about.

Did you hear any other conversation?—I heard a laugh.

How many people were laughing?—There was only one laugh.

Was it a man or a woman laughing?—I thought it was a woman laughing.

Are you sure?—I feel sure it was her laughing.

How much did you know of this girl?—I had seen her several times.

You knew her to speak to?—Yes.

William Gardiner.

George Wright

You had asked her to walk with you?—No, never in my life.

You knew her very well?—Yes.

You knew Davis?—Yes.

Did you write any of the indecent verses that Davis had?—No, never in my life.

You knew Rose Harsent?—Yes.

How well did you know her?—I had been to the house several times.

And spoke to her?—Yes.

What did you go to the house for?—I used to do odd jobs.

And you were friends?—Of course I was sure to speak to her when I went.

Coming back to the incident in the chapel, were they speaking quite loudly?—So as I could hear.

Quite in an ordinary voice?—Yes.

That had got interesting to you when you heard the “Oh, oh!” and the rustling and the laughing?—I thought then they were coming out.

You went there to hear what you could, and when you heard it, and it was not interesting, you came away?—Yes.

Will you tell us what made you think they were coming out? Was the door open or shut?—I cannot say; I think it was shut.

You were then within 3 yards of that door?—Yes.

Is it a fact you cannot say one way or another whether that door was shut?—I cannot say. I did not notice whether it was or was not.

How long were you there?—I cannot say.

How long do you think?—I cannot say.

When you went away, just at the interesting part, where did you go?—Up the Rendham Road.

And you came back again?—Yes.

What made you come back?—To see where Skinner was.

Evidence for Prosecution.

George Wright

You came back, how long after?—Twenty minutes, I should say.

And they were still there?—Yes, they were inside.

Therefore, you say Skinner was there by himself for about twenty minutes?—Yes, about that time.

And you stayed and listened some more?—Yes.

And then you went away and left Skinner there?—Yes.

How long after you saw Skinner?—About a quarter of an hour.

You spoke about this in the works?—Yes.

And then it was that Gardiner sent for you?—Yes, we had spoken to him about it before, and he sent for us.

Did he ask you what you meant by telling such lies about him?—Yes, I think that is what he said. He asked us what we had been saying.

Did you say you were not the only one?—I told him in one of the shops that I was not the only one.

By Mr. JUSTICE LAWRENCE—The only one about what?—About knowing what I did and what I had spoken about.

Cross-examination continued—Did you say if you apologised you would be hooted?—No, I do not think so.

Did Skinner?—I did not hear him.

When he threatened proceedings, did you say “We have only got what we stand up in, so you can’t do us any harm”?—I did not say “You can’t do us any harm”; we only said we only had what we stood up in, and we didn’t care, for we knew we told the truth, and were not ashamed to own it.

You went to the Chapel inquiry on the 11th of May?—Yes.

Was it a long inquiry?—We were there some little while.

I put it to you, this inquiry lasted some three hours?—We met at either seven or half-past, and it was past ten when we came out.

William Gardiner.

George Wright

Is it not a fact that Gardiner asked you questions?—I do not think he did.

You said last time he did?—He might have done so.

Did he suggest that your times did not agree?—I do not think so.

Did he say then that he had been down the road to see after his master's horses?—Yes, he told the Rev. Guy so.

That on his way back the girl asked him to help her to shut the door?—Yes.

That they stood outside the chapel for about five minutes and that he never went inside the chapel?—He said he never went into the chapel.

And he said that was all that took place?—Yes.

Did you hear it mentioned that your story and Skinner's did not agree together?—Yes, but not at the inquiry.

That was what was said in the village afterwards?—I heard one or two young chaps say so.

Of course your stories agree now?—So they did at first. We only said what we knew.

That is why you did not tell the magistrates the whole story?—They asked me questions at Saxmundham, and I simply answered what they asked.

Is this the first time you have made a charge against a woman and a man?—Against Gardiner.

No, any man or woman?—Well, seven years ago.

I am talking about Cady, and I put it to you that the incident was only five years ago?—I think it was more than that.

Did you say you saw Cady go into an orchard with his young woman?—Yes, he went into my mother's orchard.

And you talked about it?—Well, we laughed about it.

Who is "we"?—Skinner?—No, Skinner did not live with me then.

Who was your partner then?—I do not know; there were several of them.

Evidence for Prosecution.

George Wright

You knew Cady was engaged to this young woman?—Yes.

What were you doing?—Gathering apples, I think.

You think! Before you said you were?—Well, I must have been for I was up a tree.

What did you see?—I saw Cady and the young woman in the orchard.

Did they do anything improper?—I do not know; I never saw them.

And you thought that was wrong?—No.

You thought something was up evidently?—No, there was precious little said about it.

Did Cady's mother come to you to know what you had been up to?—She came and spoke to me about it, and told me to "hold my row" or something like that, and there was no more said about it.

What had you been saying about these people?—I said I saw them in the orchard together.

Why did you talk about them?—They were in my mother's orchard, and they had no business there.

I put it to you, that is the way you go about spreading scandal?—No, I don't.

Re-examined by Mr. DICKENS—With regard to the suggestion that you were reprimanded on the 25th of June, was that about a job of wheelwright work?—Yes; a drill went to the show, and when it came home the box was loose in the wheel.

Was that drill on exhibition at Colchester?—It was at the show.

Did any one else have to do with that wheel?—Yes, Mr. Mayhew.

Who was he?—One I was put under.

What was said to you about this wheel?—Well, they told me if I did any more like it I should lose my place.

Who told you?—Mr. Smyth; Mr. Gardiner pointed it out to him.

William Gardiner.

George Wright

Now, apart from that, have you been reprimanded by Gardiner?—Only that time.

Had you any feeling against him?—No, he had put me in a good position.

Was it Mr. Gardiner who put you in that good position?—Yes.

When was that?—29th April, 1900.

What position?—Wheelwright. I had been using one of the steam saws before.

Had you known him before?—Yes, I had been working under him.

How long was it before he put you in this good position?—I went to work there on 8th July, 1898.

Did you remain under him until he put you in this good berth?—Yes, under him all the time.

Have you ever found him harsh against you?—No.

Always treated you well?—Yes.

Now, with reference to your depositions, you did not say she said “Oh, oh,” but you said you heard laughing and talking?—Yes.

Mr. Wild has suggested that from where you were standing you could not hear what was said inside the chapel. Do you remember that in July last Mr. Burgess, Eli Nunn, the police constable, with Skinner and yourself, went to the chapel?—Yes. I could not say exactly what night.

Did you point out where Skinner was standing?—Yes.

And Eli Nunn stood outside?—Yes.

When you were inside the chapel, what did you do?—Talk to one another.

After that, did somebody else go outside?—No, I think not.

By Mr. WILD—The people inside on the occasion of that experiment were you, Skinner, and Burgess; and Nunn was outside?—Yes.

And Skinner repeated the language about the 38th chapter of Genesis?—I think so.

Evidence for Prosecution.

George Wright

Do you not remember?—Well, I did not take much notice as to that.

ALPHONSO SKINNER, examined by Mr. DICKENS—I am a fitter employed in Peasenhall Works, and I have been employed there for four years. I was not under the accused. I had to take orders from him at times, but the accused was not my foreman. In May, 1901, I was lodging at the same place with the witness Wright.

You remember the 1st of May going to the Doctor's Chapel?—Yes.

Had Wright said something to you before you went to the chapel?—He had.

What time was this?—About eight.

Where did you go?—We stood on the other side of the fence, about 3 yards from the Doctor's Chapel.

Were you and Wright together?—Yes.

Tell us what you heard?—First of all we heard laughing.

Where did the laughing come from?—From inside the chapel—from the west end.

What did you hear then?—Then we heard a rustling about, and the window shook.

Did you hear anything else besides the laughing?—We heard a voice call out “Oh, oh!”

Was that a man's or a woman's voice?—A female's voice.

Did you recognise it?—No, I would not swear to it.

After you had heard “Oh, oh!” did Wright remain with you or not?—No, he went away.

After Wright went away, what did you do?—I remained.

Did you hear any conversation come from the chapel?—I did.

Tell us exactly what you heard?—I heard the female say, “Did you notice me reading my Bible last Sunday?”

William Gardiner.

Alphonso Skinner

Did you recognise the voice or not?—No, I could not.
What else did you hear?—I heard another voice say,
“ What were you reading about? ”

Was that a man’s or a woman’s voice?—A man’s.

Did you recognise it?—I did.

Whose voice was it?—William Gardiner’s voice.

Was any answer made?—Yes; “ I was reading about like what we have been doing here to-night. I’ll tell you where it is. 38th Chapter of Genesis.”

What else did you hear?—I heard the female’s voice again.

What was the answer?—“ It won’t be noticed.”

Did you hear anything more said inside the chapel?—I heard the female say: “ I shall be out to-morrow night at nine o’clock. You must let me go.”

Had Wright returned when she said that or not?—Wright had returned then.

What did you do after she had said that?—We left; Wright went just before. We went down on to the Rendham Road.

Did you see anybody come out of the chapel?—I saw the female come out.

Who was it?—Rose Harsent.

Did you know her personally?—Yes.

Did you see anybody else come out?—Yes, I saw the man come through.

Who was it?—William Gardiner.

How far were you from the gate?—Not many yards.

When they came out, what did the girl do?—She went towards Providence House.

What did Gardiner do?—Gardiner came through the gate and tiptoed across to the other side of the road, and then went on.

What did you do?—I went and overtook him.

When you overtook him, had he got up to Providence House?—Not up to Providence House.

Evidence for Prosecution.

Alphonse Skinner

When you overtook him, what had become of the girl?—I never saw any more of the girl.

When you overtook him, what did you do?—I walked level with him for about 20 yards.

Did you have any conversation with him?—No, I never spoke, nor did he.

Where was it he left you?—At the cross-ways.

Where Providence House is?—Yes.

In which direction did he go?—He went towards the road known as the Mill Road, but in the direction of his home.

Whereabouts did you lodge; was it close to Providence House?—It would not be far from Providence House.

Did you go home?—I went home.

Where would your lodgings be?—In Hackney Road.

By Mr. JUSTICE LAWRENCE—You go by Providence House to get to your lodgings?—Yes.

Examination continued—That was the last you saw of Gardiner that night?—Yes.

Now, Skinner, tell me if you ever had any quarrel with Gardiner?—Never.

Have you ever had any ill-feeling towards Gardiner?—No.

Have you had any reason for having any ill-feeling towards him?—No reason whatever.

Now I think the next thing you had to do in regard to this matter was when Gardiner asked you to go and see him at his office in Smyth's works?—Yes.

Just tell us shortly what took place on that occasion, on 8th May, I think?—I think that was the 8th May.

About a week afterwards?—Yes, he asked what it was all about, and what I had set afloat. I told him what I had heard.

What did he say?—He denied everything.

Did he say anything more?—He said I had made it all up out of old stuff.

Mr. DICKENS—Perhaps I should put in a word of

William Gardiner.

Alphonso Skinner

explanation about the expression "old stuff," because at the last trial the judge was under a misapprehension as to its meaning. It was thought to mean that there might have been slander before. The true meaning of "old stuff" is "rubbish."

Mr. WILD—A pack of lies.

Mr. DICKENS—It gives one a wrong impression. (To witness) Did he say anything about an apology?—He demanded an apology.

Did you give him one?—No.

I think the next thing you knew of this was that you were asked to go to a meeting at the Sibton Chapel, when Mr. Guy was there?—Yes.

Did you tell your story?—I told him.

And did Wright tell his story?—Yes.

Mr. JUSTICE LAWRENCE—Who else was there?

Mr. DICKENS—I thought Mr. Guy would tell us better. (To witness) There were a good many you did not know who were there?—Yes, that was so.

By Mr. JUSTICE LAWRENCE—The accused was there?—Yes.

Was Rose Harsent there?—No; I don't know.

Examination continued—Mr. Guy was presiding, and there were several members of the church there?—Yes, several were there I did not know.

When you told your story, were you asked questions by several gentlemen?—Yes.

Did the accused ask you questions or not?—Yes, I think he asked some.

I think you did not remain till it was ended? When you had given your evidence and Wright had given his, you did not remain, but were asked to leave?—Yes, we were asked to leave.

I think after the inquiry you got a letter from the accused's solicitor, similar to that received by Wright?—Yes, sir.

Did you make any apology?—No apology.

Evidence for Prosecution.

Alphonso Skinner

And did the matter end there so far as you were concerned?—So far as I was concerned.

Do you remember on 28th July going to this chapel with Mr. Burgess, Eli Nunn, the policeman, and Wright?—Yes.

In the first instance who went inside the chapel?—Burgess, Wright, and myself.

Before you went inside had you pointed out to Nunn the place where you stood when you heard what you have told us?—Yes.

And when Nunn was outside and you inside, did you and Wright hold a conversation?—Yes.

And then did Burgess go out or not?—No, we all went out together.

Cross-examined by Mr. WILD—With regard to the chapel inquiry, how many were present?—Several.

Twenty?—I do not know whether there would be twenty.

Over a dozen?—I should say so.

Mr. Guy in the chair?—Yes.

How long were you in the room?—Two hours.

And when you were examined, were you not asked questions by various members?—Yes.

And Mr. Guy asked you questions?—Yes.

And Gardiner asked you questions?—Yes.

And Gardiner gave his account, did not he?—Yes, he did.

Do you remember what his account was?—I remember him saying something about going to see after a horse.

Did you tell me last time you did not remember what he said to you?—I said I did not remember all.

Tell the jury what his account was, will you?—He said Rose Harsent couldn't shut the door, and he went up to lock it for her.

You knew the door went stiff, did not you?—No, I did not.

William Gardiner.

Alphonse Skinner

Have you been there before?—Yes.

Which is your religious community; which church do you attend?—I go to the church when I do go.

Tell me. They did not believe your story, did they?—
(No answer.)

You know the result of it was that Gardiner kept his appointment as Sunday school superintendent and class leader?—I heard so.

And you and Wright were hooted by the people of Peasenhall for your disgraceful conduct?—We were not.

Gardiner was outside foreman at the works, was not he?—He was foreman; I do not know about outside foreman.

You said something about having to take your orders from him sometimes?—As regards machinery I frequently had to take orders from him.

He was not a very popular foreman, was he?—I do not know about being popular.

He was a teetotaller and a religious man?—I do not know about that.

Do you swear you did not know that?—Yes.

Did you know he took a high position in his congregation?—I heard so.

And he was not very popular, was he, especially with the younger men?—I do not know about that.

Were the doors and the windows shut at the chapel when you were there?—Yes, I should say they were; they were closed.

Have you any doubt about it?—No.

Yes or no, were they shut?—

Mr. DICKENS—My lord, I object to this form of cross-examination. The witness has already said the door was shut, and it is not fair to treat the witness in this way.

Mr. WILD—if I am to be interrupted in this way, I will leave Mr. Dickens to conduct the case himself. I understood the witness expressed a certain amount of

Evidence for Prosecution.

Alphonso Skinner

doubt. (To witness) Were the doors shut?—Yes, they were.

And the windows?—Yes.

Were you on the outside of the hedge against that hurdle?—Yes.

Where were you when Wright came to fetch you?—I was at my lodgings.

What did he say?—He said he had seen Rose Harsent and Gardiner go towards the Doctor's Chapel.

Did you go to play private detective?—No, I did not.

What did you go for?—It looked rather suspicious.

You expected to see the fun?—I do not know that we expected to see any fun.

You crouched behind the hedge?—Yes.

Could you see into the window?—Not well enough to see what was going on inside.

You told us you heard the windows rattling?—Yes.

Do you know the window is so firmly fixed that it cannot rattle unless you regularly shake it?—It required very little to shake it.

Wright went away, you know why?—I know now.

Is it not the fact that you swore last time you did not talk it over?—No, I did not.

Did you say, “I've not talked it over with Wright between the two trials”?—I did not say I had not discussed it with him.

You have talked it over with Wright since the last trial?—No, we have not.

Not a word?—I'll not say we have not said a word about it.

Since the last trial in November, 1902, have you not talked it over?—Very little.

You sleep together, do you not?—I dare say we might have done in November. We don't now.

Do you mean to tell us you do not know whether you were bedfellows in November?—Yes, we were then.

William Gardiner.

Alphonso Skinner

When did you cease to live together?—We live together now.

And occupy the same bedroom?—Yes.

And the same bed?—No.

And yet you have talked this over very little since the last trial?—Very little. We had no occasion to talk it over.

I want you to repeat the conversation which you say you heard in the chapel?—I heard the female say: “Did you notice me reading my Bible last Sunday?” Then I heard the man say: “What were you reading about?” She said: “I was reading about like what we have been doing to-night. I’ll tell you where it is: 38th chapter of Genesis.” I then heard her say: “It won’t be noticed,” and “I shall be out to-morrow night at nine o’clock. You must let me go.”

You have got that very nicely. You have learned it, have not you?—Well, I know it so that I can repeat it.

Were you left alone by Wright?—Not many minutes.

Would it be twenty?—Ten, perhaps.

Where did Wright go?—I do not know.

Did they say this in a nice loud voice?—In the usual way.

You went on 28th July, with Nunn, and you went inside the chapel. Where did you stand?—Towards the lower end.

Was it against the rostrum?—Yes.

(The witness having examined a small sketch handed to him by counsel, said he stood not far off the rostrum.

Mr. Justice Lawrence here passed to witness a plan of the chapel, and witness marked on it the spot where he stood.)

Cross-examination continued—Was it close up to the window?—Yes.

Did you make the window rattle?—No, I did not try that.

Evidence for Prosecution.

Alphonso Skinner

What did you say then?—What I heard them say that night.

What you have just repeated from the —?—Yes.

[The passage referred to was here repeated by witness at Mr. Wild's request, in the tone he used on the occasion.]

Nunn told you what to say in the chapel, I suppose?
—Yes.

Did you take any note of the conversation on 1st May, 1901?—Yes, I did.

Show me your notes?—I have not got them.

Did you write that down at the time? Will you speak up, Skinner?—I wrote it down that night or the following day, I do not know which.

Did you swear on the last occasion that you did not write it down at the time?—

Mr. JUSTICE LAWRENCE—He said three times, “ I wrote it down that night or the following day, I did not write it down then.”

Cross-examination continued—I want to know when you wrote it down?—I can't say whether it was that night or the following day.

Have you got the note you made of it?—I have not got it here.

You could, I suppose, if necessary, repeat the verse. I shall not ask you, but you can?—Repeat the verse, of course I cannot.

What was in the verse?—No, I could not read the verse.

Wright came back, did he not, after you had been there about ten minutes?—Yes.

And then did you leave together, or did you not?—Wright went a little before me.

Did you say before the Coroner and the magistrates these words: “ We then left”?—I said I left.

No, did you say “ We then left”?—(No answer.)

First of all, you gave your evidence before the Coroner

William Gardiner.

Alphonso Skinner

on 30th June. You said "Then Wright came back, and I heard her say 'You must let me go now,' and we left then." And on the 3rd of July you gave your evidence before the magistrates. You said, "I heard her say 'You must let me go.' We left then." Did you not say at the preliminary investigation that you two left then? And was it not when I had cross-examined Wright about saying that you remained behind that you now trim your evidence accordingly?—I said I left. I do not remember saying we left.

You don't? Then I ask his lordship to see the depositions. I ask you this. You say you were at the other side of the Rendham Road when Gardiner came out of the chapel?—Yes.

And Gardiner tiptoed across. He must have tiptoed almost into your arms?—No, he did not.

He came right across. Where were you?—Not many yards off.

Carry your mind to the time when Gardiner first taxed you with this slander. Gardiner had you up to him?—Yes, at his room.

And did he say it was a lie?—Yes, he said it was a made-up affair.

Did he ever deny he was at the chapel?—Yes; he did there.

He did not deny he was against the chapel?—He did. He said he was not there at all.

I put it to you, he said all along what he said at the inquiry?—He did not.

Did he say he would bring an action against you?—He said he should unless I gave an apology.

Did you say you had only what you stood up in?—No.

You gave your next evidence at the chapel inquiry?—Yes.

Then you had no occasion to remember this from the

Evidence for Prosecution.

Alphonso Skinner

11th May, 1901, until you gave your evidence before the magistrates on the 19th June, 1902?—They put it down.

Where is the paper you put it down on?—

By Mr. JUSTICE LAWRENCE—Who do you say put it down?—They wrote it down on the following day.

Cross-examination continued—Have you the paper?—Yes.

Is it in existence; has it ever been mentioned before to-day?—Yes, it has.

Re-examined by Mr. DICKENS—You have been asked as to whether you have not told the same story. Let us see how many times you have told it. You told it before the Coroner, and before the magistrates?—Yes.

Did you tell it at the last trial?—Yes.

So to-day is the fourth time you have told it?—Yes.

As regards talking to Skinner, you have told exactly the same story you told in substance on the last occasion?—Yes.

JOHN GUY, examined by Mr. DICKENS—I used to live at Halesworth, and up till last July was superintendent minister of the Wangford Circuit of the Primitive Methodist Church. Sibton Chapel is one of the chapels in the circuit, and as superintendent it was my duty to go to different chapels from time to time for the purpose of preaching and organisation.

What position did William Gardiner hold in the church?—He was superintendent of the Sunday school, assistant society steward, class leader, and treasurer and trustee of the Sunday school.

Was Rose Harsent a member of your church?—Yes, she was a private member; she held no official position.

Did William Gardiner preach in the chapel?—Not at all.

Is it true to suggest that Gardiner was in a higher position in the church than Rouse was?—In the distinc-

William Gardiner.

John Guy

tive society he might be, but speaking as to the circuit he was not.

Did you know Gardiner well?—Yes.

Were you on good terms with him?—Very good terms.

You remember the scandal in reference to the alleged conduct of Gardiner with Rose Harsent?—Yes.

An inquiry was held on 11th May?—It was.

How did that inquiry come about?—I received a letter from Mr. Rouse, stating that there were certain rumours in relation to Mr. Gardiner, and it was thought best amongst them at Sibton that a meeting should be held to inquire into the truthfulness or otherwise of the report.

Did Mr. Rouse preach in the chapel?—Yes.

A meeting was held at Sibton Chapel?—Yes, I was in the chair. Gardiner and both Wright and Skinner were present. Rose Harsent was not present.

I think at the outset you made a mistake, and said she was present?—Yes, I thought so, but I was corrected afterwards.

Were there other members of the church present as well?—Yes, I should say nearly a score.

Tell us the substance of what took place?—The young men each told their story. I asked questions of them, and several other members put questions to them, as well as Gardiner.

As a result of the questioning, were they shaken in their story or not?

Mr. WILD—I must object to that, my lord.

Mr. JUSTICE LAWRENCE—You can have what was said.

Examination continued—Were they shaken in their evidence?—They were not.

Did Gardiner give his evidence?—He did. The young men were present.

Was he asked questions?—I cannot recall that.

What was the upshot of it all?—We came to a deadlock. There was no corroborative evidence either on Mr. Gardiner's side or on the side of these young men.

Evidence for Prosecution.

John Guy

By Mr. JUSTICE LAWRENCE—That must be so in all cases?—We had no one else to call in, my lord. We could not get beyond what was stated.

Examination continued—Therefore no conclusion was come to one way or the other?—No conclusion at all.

Was any formal report made to any other meeting?—None whatever—simply a reply to a question at some official meeting afterwards.

Supposing Gardiner had been found guilty of the charge, would a report have been made to the quarterly meeting?—We must, because of his official position.

As he was not, would it be in accordance with the rules to report?—No, our rules did not provide for it.

The result was that Mr. Gardiner kept his position in the church?—He did.

You saw Rose Harsent on the matter?—I saw her on the same day in company with her mother. She denied the story before her mother.

Have you given us the substance of what took place at the inquiry?—I have.

After the inquiry, did you see Gardiner privately?—I did, at my own house.

Will you tell us, please, what took place between you and him when you saw him at your house?—First of all we spoke about him paying a visit to Lawyer Mullins at Halesworth.

What was said about that?—He said he had been advised that, as it would be expensive, and that the proceedings would be protracted, it would be well to let the matter drop.

Yes?—And accordingly he decided to do so. I expressed regret that the occurrence had ever happened at all, and said to him, as his minister and spiritual adviser, that he had better be very careful in the future. I said I hoped it would be a life lesson for him. He promised he would be careful in relation to young people in general, and he promised to keep clear of Rose Harsent.

William Gardiner.

John Guy

He admitted he had been indiscreet. I did not press him as to the nature of that indiscretion, but he admitted that he had accompanied Rose Harsent home at times. He also said that he would do his best in future, or words to that effect, to redeem his position, and restore confidence, and that was all the sum and substance of what took place at the interview.

What he said in regard to Rose Harsent, are you sure he said those words of keeping clear of Rose Harsent?—Of course he did, I have not imagined them.

After that had you any reason to believe he was not keeping his word?—None whatever, I trusted him fully.

Cross-examined by Mr. WILD—How many times have you given evidence?—On three occasions.

Have you ever admitted Gardiner said he accompanied Rose Harsent home at any time?—I cannot recall that.

Yes or no, have you ever said it?—I cannot recall it.

Your memory is not very good?—It is as good as most people's.

Were you put on your oath before the Coroner on 30th June, on the first occasion that you gave evidence in this case?—Yes.

Did you then swear that the reason you could get no further was because you were in a dilemma owing to Rose Harsent and Gardiner, who were absent, saying one thing, and the two young men saying another?—Quite so.

Did you swear that Rose Harsent was present at an inquiry at Sibton?—I did, because I thought she was present, but I was corrected afterwards.

You gave your oath, then, to something that was not a fact?—I had made a mistake.

When it was pointed out to you that you had told what was untrue owing to indiscretion you corrected it at the next hearing?—Yes.

You swore to what you thought?—I did not say that.

Evidence for Prosecution.

John Guy

Gardiner held high positions in the Sibton Chapel?—He did.

He could not hold a position of much greater trust than superintendent of the Sunday school?—Quite so.

You realised how essential it was people charged with the care of children should be above suspicion?—Quite so.

Therefore it would not be merely a question with you whether there was a doubt that you would not desire to have anybody in a high position like that against whom anything could be said?—Quite so.

If there was any evidence in this story Gardiner would have been speedily asked to resign, or summarily ejected from his position?—Undoubtedly.

That he was allowed to remain as choirmaster, Sunday school teacher, and hold other offices, showed there was no credence placed in the story?—No.

Surely you have just admitted it?—You said that I did not.

You told us the morality of your congregation is this—that if a story is told against a man in the position of Gardiner, which is not distinctly proved, you desire him to continue in that position?—It was not a question for me to decide; it was a question for the officers.

As a matter of fact Gardiner did resign his offices for some time?—No, he offered to resign.

He was suspended?—No, he was not.

Did you report to the leaders at the quarterly meetings, and they desired him to continue in his offices?—No, I did not.

When is the election?—It varies. For certain officers not until an official resigns.

Did he resign his stewardship?—Not to me; he did not resign at all, but offered to resign all his offices.

Mr. DICKENS—The witness has explained that that body could not accept resignations; they had not the power.

William Gardiner.

John Guy

Cross-examination continued—I suppose the man had power to resign?—That lay with the leaders and Official Court. That was not an Official Court.

At all events, William Gardiner took up the position he was prepared to resign?—Yes.

And no steps were taken by anybody to accept his resignation?—We could not take steps at that meeting. Mr. Gardiner could have said he was dissatisfied with the result of the meeting and have desired an official meeting.

At all events he was never requested to resign?—No.

I think you told me before he still superintended the Sunday school?—Yes.

And does so at this moment?—I cannot say; I am not on the station.

By Mr. JUSTICE LAWRENCE—Have you left the district?—Yes, my lord, since last July.

Cross-examination continued—That meeting was a sort of a preliminary inquiry?—Yes.

If it was considered there was a case to be answered it would go to the quarterly meeting?—No, sir; to the next meeting of leaders, and there are very few brethren eligible for that meeting.

What meeting is that?—The minister, circuit steward—

At all events there is a body to whom a report is made, supposing a *prima-facie* case is made out?—Just two.

Supposing a *prima-facie* case is made out, where does it go to?—To the circuit committee and then to the quarterly meeting.

So it has to be sifted by four different bodies?—Exactly.

The fact that you did not report shows that there was not a *prima-facie* case?—I do not say that; we were at a deadlock.

Where? You had two men on one side and Gardiner on the other. Anyhow you called no leaders' meeting?—Of course not, because the accused, myself, and the

Evidence for Prosecution.

John Guy

circuit steward would have been all the members of the meeting.

You might have gone on to the quarterly meeting?—Exactly.

Nothing was done?—Mr. Gardiner did not desire anything to be done.

Nor did you?—No.

What reason had Gardiner to be dissatisfied with the Sibton meeting? No report was made, and what more can you have than to have a magisterial inquiry dismissed?—This was not in the same sense as a magisterial inquiry; we inquire into matters affecting the spiritual condition of the church.

There could have been no matter more affecting the spiritual condition of the church than this?—Exactly; but we have rules and cannot go outside them.

You mean to say you have no machinery by which that man can be removed?—No one expressed dissatisfaction at the result of the meeting.

Do you know Mr. Tripp?—Yes.

Is he a local preacher of your body?—Yes.

And do you know Mr. Goddard?—I do.

And is he a gentleman high up in your body?—He is a local preacher.

Did you meet them on the day following this inquiry at Sibton?—No.

Did you walk home with them?—Never.

When did you meet them?—I do not know.

Did you say to Mr. Goddard you made inquiries into Gardiner's case, and that so far as you could gather it was a trumped-up affair and a fabrication of lies?—I have no recollection of that.

Will you swear you did not say so?—I can swear it.

You heard Mr. Goddard swear it on the last occasion?—I did, but my word is as good as his.

Perhaps. You said Rose Harsent was at the inquiry?—I corrected myself, and would correct myself in this if I were wrong.

William Gardiner.

John Guy

Did not you say to Mr. Goddard and Mr. Tripp, on the road to Wangford, that it was a trumped-up affair and a fabrication of lies?—I never used the word “trumped-up.” I do not remember making any communication at all on that occasion.

Were you present at the ensuing quarterly meeting?—I was.

Was Mr. Noah Etheridge there?—No.

Was Mr. Goddard there?—Yes.

Did you report to that meeting that you were perfectly satisfied about Gardiner, and that there was no truth whatever in the statement made by Skinner and Wright? —I have no recollection of those words.

Do not tie me down to the words. Remember the spirit of the thing?—I do not remember anything of the sort.

Do you mean to tell these gentlemen that you, a minister of the circuit, having the right of inquiry into a matter of such horrible importance—do you, having held this inquiry, tell these twelve gentlemen that when your elders met in the following June, you never said a word about it?—I cannot remember whether it was at that meeting or the following one. I was asked a question, and simply gave a verbal statement that we had settled the matter.

Will you tell me the effect of the words?—I have told you.

You have told me, and you are not going to try again. Remember Gardiner is on trial for his life. Answer my question in the ordinary way?—I have answered you. I will not answer it again.

Did you make any communication to the quarterly meeting?—I have told you. I cannot remember which meeting it was.

What was the effect of your communication?—We had several meetings.

If Etheridge and Tripp are prepared to say what I put to you, do you deny it?—Mr. Etheridge was not present.

Evidence for Prosecution.

John Guy

Mr. Goddard, I mean?—I can prove Etheridge was not there.

On the last occasion, I think you said Etheridge was present at the two meetings?—No, I did not.

I put it to you that at the quarterly meeting you said there was nothing whatever in it, so far as you could make out?—I do not remember using such words.

What was the nature of the communication you made to the quarterly meeting?—Simply that we were in a dilemma, and had proved nothing.

Gardiner was cross-examined at the meeting, was he not?—Yes.

How long did the inquiry last?—Till ten o'clock at night. Then Skinner and Wright were dismissed, and I gave the advice as a minister that the matter should be let rest, and that the sooner it dropped out of conversation the better.

It was a careful investigation?—Of course it was.

And subsequently Rose Harsent confirmed Gardiner's denial?—Yes.

Can you remember the exact words Gardiner used when he came to your house?—I cannot remember the exact words.

Was this what happened: first of all Gardiner said to you that he had decided to drop legal proceedings because of his lawyer's advice?—Yes.

He never for a moment admitted he was guilty of the conduct imputed to him?—Oh, no.

He always denied that he had been into the chapel at all?—He did.

You do not mean to suggest that he ever admitted that there was any truth in what the men said?—Oh, no.

The reason he gave you for letting the proceedings drop was because of the expense, and because there was no independent witness?—Yes.

You said you hoped it would be an experience to him?—Yes.

William Gardiner.

John Guy

But why, if that was all he said?—We gather up lessons from any circumstances in life.

With regard to going home with her, he admitted walking with her?—Yes.

There is nothing very wrong in that?—No.

That was the amount of indiscretion he admitted?—Yes; I did not press him for anything more.

On the strength of what he told you, you think you were justified in drawing the deduction that he had been indiscreet?—I did not necessarily draw that deduction.

Whose word was “indiscreet”?—His word.

In your spiritual capacity, if you thought there was anything more in it you would have pressed him?—I cannot say as to that now.

If you thought a man had been indiscreet with a girl would you allow him to remain superintendent of a Sunday school?—I do know this by experience, that certain things can be misunderstood in a man's conduct, and as I was friendly with Gardiner I wanted to help him and hear no more of the matter.

You realised how easy it is for a man to be attacked?—Yes.

I believe you said on the last occasion that you have had a personal experience reflecting on your own conduct?—Yes.

Some one attacked you?—Yes.

You were more discreet in consequence?—I was on my guard.

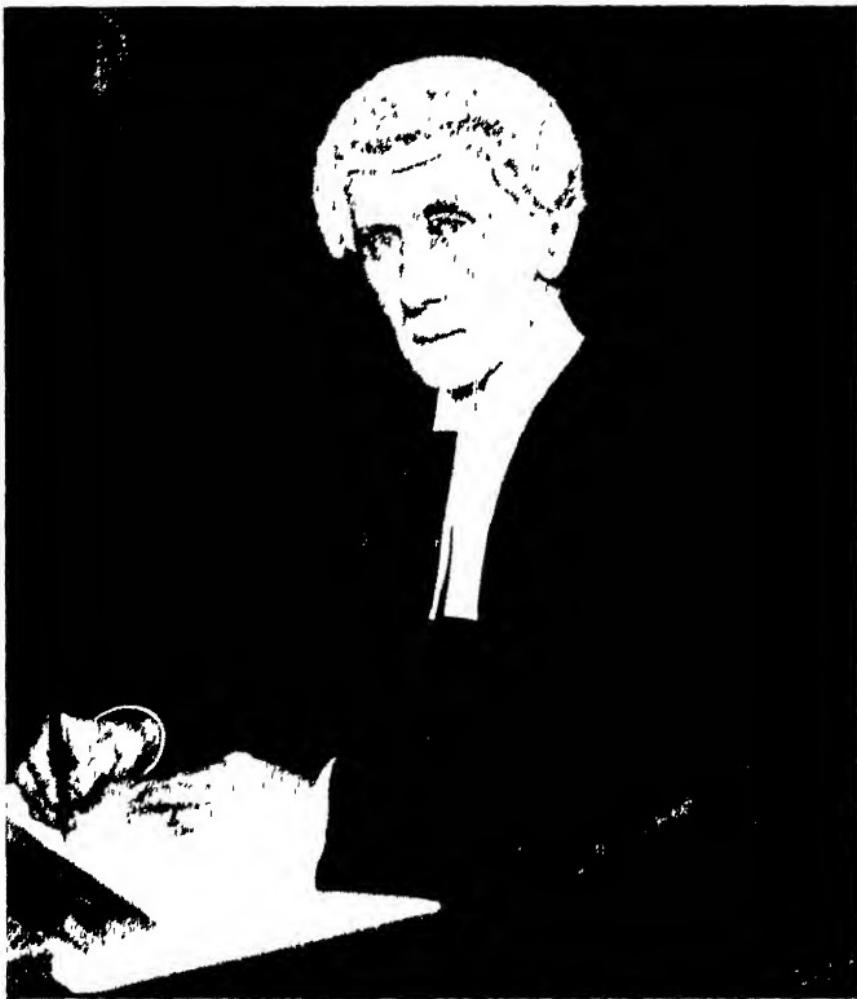
You were less indiscreet than before?—I had not been indiscreet.

You gave Gardiner the advice of a man of the world as well as a man of religion?—Yes, that he had better not be seen walking with the girl.

And he promised he would not?—Yes.

Since then he has done his work well, and as a Christian man?—I know nothing to the contrary.

Re-examined by Mr. DICKENS—I said to accused: “I should steer clear of Rose Harsent,” and he said he



Mr. H. F. Dickens, K.C.

Evidence for Prosecution.

John Guy

would. I did my best to conduct the inquiry with impartiality; I went into the meeting with a perfectly open mind. I did not know the nature of the case to be laid before me.

By Mr. JUSTICE LAWRENCE—When you were before the Coroner two other names were put before you—Fiddler and Potter?—They were.

You then said: “I did not state to Messrs. Fiddler and Potter that I believed it to be a trumped-up case”? —Yes.

HENRY ROUSE (73), examined by Mr. DICKENS—I am a labourer at Sibton.

Are you a member of the church at Sibton?—Yes.

Have you resided for a long time at Sibton?—Two years last Michaelmas.

Did you preach in the church?—Yes, when I was appointed.

Did you belong to the church before you lived at Sibton?—Yes.

How long have you been a member?—Two years before I came to Sibton.

By Mr. JUSTICE LAWRENCE—Four years altogether?—Yes.

Examination continued—Have you preached in the chapel from time to time?—Yes, sir.

I suppose you have been a member of the Primitive Methodist Church longer than four years?—At least thirty-five years.

Was it a part of your duty and position in the church to preach?—Yes. I was what they call a local preacher.

Did you know William Gardiner, the accused?—I know William Gardiner, the accused.

Very well?—Yes, I have known him for two years from the time I lived at Sibton.

And on what terms have you been with him?—Very good terms.

William Gardiner.

Henry Rouse

You remember this scandal which arose in May, 1901, with regard to his conduct with Rose Harsent?—Yes.

Mr. Guy told us it was you who communicated with him suggesting an inquiry?—I did.

Were you present at the inquiry yourself?—Yes.

I do not think it is necessary to go through all that again. Do you remember in the February following, last February, 1902, one night when you were going home?—Yes, I met Gardiner and Rose Harsent, as I was going home from Yoxford.

In which direction were they going?—They were walking towards Yoxford.

Was that away from their home?—Yes.

And about what time was this?—I should think about a quarter to nine or something like that.

At a quarter to nine in February. Therefore it would be dark?—Yes.

Were they walking together?—They were walking by each other's side. I suppose there was a foot or two between them, as far as I could see. I could not see exactly.

Was anything said by you or them?—I bid them good night, but neither of them spoke.

Did you speak to Gardiner about this afterwards?—I did, and so I did that night.

By Mr. JUSTICE LAWRENCE—Do you know what day of the week it was?—I cannot say, my lord.

Examination continued—I saw them go back to the New Road, as they call it, which leads up to Yoxford Road. I heard that Gardiner was going about with this girl after this first scandal was set forth.

You must not tell us what you heard. I want to know what you said to Gardiner when you had seen him walking about with this girl after nine o'clock at night?—I spoke to him and called him by name that night, and neither of them spoke then.

When you passed them good night, did you mention

Evidence for Prosecution.

Henry Rouse

his name?—I said, “ Good night, Gardiner; good night, Rose.”

And you got no answer?—No.

Tell me, when was it you spoke to Gardiner about walking about with this girl?—It was on a Wednesday night. I know it was Wednesday night because we had a prayer meeting on Wednesday night in the chapel.

How many days after you had seen them would it be?—Nine days.

Please tell us what you said to Gardiner on that Wednesday night when you saw him at the meeting?—I touched Gardiner on the shoulder when he came out of the chapel, because I did not wish to expose him to the congregation. I said: “ I want to speak to you, if you please.” He came up the road to my house a little way. I said to Gardiner: “ I am somewhat surprised that you should continue to walk about with that girl. There is so much talk, and it will do the chapel a great deal of harm.”

What did Gardiner say?—Gardiner said: “ Have you said anything about it?” I said: “ No, I have not even told my wife.” He said: “ If you do not say anything about it, it shall never occur again.” I told him the consequence of his being about with this girl, and the harm it was doing to God’s cause. He never told his own wife of what had occurred, and no one else, because he expected he would be a different man in the church.

You never said a word about it when he promised it should not occur again?—No, not till what I afterwards saw in the chapel.

This was in February? After that did you notice something while you were preaching in the chapel?—Yes, I did.

Tell us what you noticed?—I saw Gardiner have his feet on Rose Harsent’s lap. You gentlemen know what I mean by the lap of a person. I ceased to speak, with the intention of telling one of them to walk out of the

William Gardiner.

Henry Rouse

chapel, but something seemed to speak to me not to expose them there. Then I did not speak, but I made a pause.

Did you write him a letter?—Yes.

Just look at the letter and tell me if it is your letter (Counsel handed the witness a letter)?—Yes.

Whose handwriting is it?—This handwriting is my wife's.

Did your wife write that letter at your request?—She wrote it according to my desire. I asked her to take a copy of the one I had written.

You did not put your name to that—it is anonymous? —No, I did not.

Why did you write that anonymous letter?—I thought if I sent the letter without signing any name, it might make a change in the man's conduct in life.

The letter was then read by the Clerk of Arraigns as under:—

“ Mr. Gardiner,—I write to warn you of your conduct with that girl Rose, as I find when she come into the chapel she must place herself next to you, which keep the people's minds still in the belief that you are a guilty man, and in that case you will drive many from the chapel, and those that would join the cause are kept away through it. We are told to shun the least appearance of evil. I do not wish you to leave God's house, but there must be a difference before God's cause can prosper, which I hope you will see to be right as people cannot hear when the enemy of souls bring this before them. I write to you as one that love your soul, and I hope you will have her sit in some other place, and remove such feeling which for sake she will do.”

Cross-examined by Mr. Wild—Are you a labourer?— Yes.

How long have you lived at Sibton?—Two years last March.

Evidence for Prosecution.

Henry Rouse

Did you come straight to Sibton from Brampton?—I was at Ringsfield.

Before that you were at Wrentham?—Yes.

Do you know the first notice we had of your evidence was the 1st of November?—I did not know when you got it.

You did not give evidence either before the magistrates or the Coroner?—No.

When you gave your evidence on the last occasion, did you say one word about Gardiner's saying, if you said nothing about it, such a thing should not occur again?—I think I said that in Court.

I suggest to you, you did not?—I think I did.

I suggest you have added in your evidence to-day about Gardiner saying that if you told nobody, he would not allow such a thing to occur again?—I do not know that I have added one word, but I do not suppose that I have spoken word for word on each occasion.

I suggest to you also that you never said before about “Good night, Gardiner,” and “Good night, Rose”?—I did say so.

This story of yours is a lie from beginning to end, and a concocted story?—I say like this: when I met Gardiner neither he nor Rose Harsent spoke. I said “Good night,” and neither of them replied.

Mr. WILD—I do not want any preaching.

Mr. DICKENS—When a gentleman says another is telling a concocted story, the other person is entitled to explain matters.

WITNESS—I want to explain matters. I passed him on the right as I was coming from Sibton, and neither of them spoke. I had been told that Gardiner was walking about, and I thought I would see for myself. I went back, and they stood in the mouth of the new road, and I went between them. I spoke to Gardiner and said “Good night, Gardiner,” and “Good night, Rose,” and they never spoke. And that is what I have said before.

William Gardiner.

Henry Rouse

Cross-examination continued—Is this the first occasion on which you have brought accusations against people?—Yes.

Try and think. Have you not for the greater portion of your life been bringing false accusations against people?—It is false.

You remember we got your evidence on 1st November. Do you remember when you lived at Brampton and Wrentham?—Yes.

How long were you at Wrentham?—Fifteen years.

When did you leave?—Ten years last Michaelmas.

Were you then a farm steward?—No; I farmed for myself.

You remember having a fire?—I do.

Was there a lad by the name of Burrell there?—Yes.

Was he about twelve?—About thirteen, I should think.

I suggest you brought a charge of arson against that little boy?—I did not.

You laid information against him?—I said I thought it was through the boy the fire occurred.

Was the barn which was burned your property?—It belonged to the farm I hired.

Was the barn insured by you?—The barn was not insured by me.

You took the lad before the magistrates on a charge of setting fire to the barn?—The police took the lad; I never gave the boy in charge.

You told the policeman you believed the boy set fire to the place, making an absolutely reckless charge?—The boy was the only person about the place at the time.

Was the case at once dismissed?—The magistrates asked me if I could swear the boy set fire to it, and I said no, because I did not see him.

You still believe it was the boy?—I do believe it now.

Let me ask you something else. You were the victim of a scandal at Wrentham, were not you?—No.

Evidence for Prosecution.

Henry Rouse

I do not want to mention names: read this?—(Witness looked at a paper) It's Gooch there.

Was not your name connected with Mrs. Gooch for immorality?—No.

Never heard that?—I never heard anything to do with Mrs. Gooch.

Was not there a scandal?—It was said they thought I went backwards and forwards to Gooch's.

As a farmer, you had ample accommodation for pigs? —Like other farms.

Had you a labourer by the name of Gooch?—He was a horseman.

Did he live about a quarter of a mile off the farm?— About half a quarter.

And did you induce him to let you keep your sow at his?—No, he had one he bought from me.

And did not you visit this sow under the pretence of visiting Mrs. Gooch?—No.

What did the people say?—It was like this: when I went backwards and forwards to Gooch's, Gooch had professed to become a God-fearing man, and I went to see him when he was at home, not when he wasn't.

Never when he was away?—I cannot say I never was at the house when he was away.

I put it to you, you paid visits to that sow under cover of seeing your labourer's wife?—I say it is false.

What happened to the sow?—The man fatted it and sold it.

You removed the sow after the scandal, did not you?— I did not.

What was the scandal about it?—No man can prove it. Why did the man who started it beg my pardon?

Look at this name: don't read that out?—I do not know it.

It commences with a “B.” Have you heard the name?—Oh, yes, plenty of times.

I suggest to you, you misbehaved yourself with this

William Gardiner.

Henry Rouse

lady?—You nor any other person can bring it forward; if they did, I would bring them forward to prove it. I never heard of any scandal with regard to this person.

You left Wrentham to live at Brampton?—I did.

How long ago was that?—Four years last Michaelmas since I left there; I was there six years.

Were you farming there on your own?—No, I was steward for Mr. Charles Nash.

You have given evidence in another murder case, have not you?—Yes.

In the case of Edna Carter?—Yes.

You were still living at Wrentham?—Yes.

Did you give evidence before the magistrates?—Not till I came to Halesworth.

In that case you did not give evidence till you got to the Assizes, did you?—I did at Halesworth as to what I heard.

I suggest to you you waited till two days before the assizes, and said you heard a child scream?—It was more than two weeks before the trial.

Will you swear you gave your evidence in that case before you came before the judge at the Assizes?—Yes, at Halesworth.

Now, with regard to Brampton, did you know a man named Snelling there?—Yes.

Did you know he had a wife and six children?—Four daughters and one son, I think.

Did two of them come home from service?—Yes.

Did you know Mr. Curtis, the vicar?—I know him quite well.

Did you go to him and tell him something about Snelling?—No.

On your oath?—No. I know what I am talking about.

Did you see him and tell him that Mr. Snelling's daughters encouraged young men in' the house?—I did not.

And that Snelling was keeping a bawdy house?—I did not; I never said such a thing to Mr. Curtis in my life.

Evidence for Prosecution.

Henry Rouse

You swear you never mentioned to the vicar anything about Snelling?—I do.

Did Snelling charge you with it to your face?—No.

Now, be careful?—I am careful.

Did he say to your face—in the presence of a man named Redgrave—that you said it?—No.

And did you refuse to go before the vicar and have it out?—No.

That is all untrue?—Yes.

Not a bit of truth in the suggestion?—Not a bit.

Never heard about Snelling's daughters?—Not a word about them.

What?—Well, I heard they were wild sort of girls.

Of course, you did not mention it?—Never said anything to any one.

Not even to your wife?—I never said anything to any one about it; it was not my place to make a disturbance.

I put it to you that you refused to have it out in the presence of Mr. Curtis?—Any one who says so is a false man.

Did you also keep back the wages of the men when you were at Brampton?—Never.

I put it to you that there was a rise of 2s. a week to be given to the men by order of the master, Mr. Nash, and when Snelling asked for it, you first of all said you had given it to him, then that you had given it to the wife, then that you had not had it at all, and that then, when Snelling threatened to tell Mr. Nash, you admitted you had been lying?—No; it is not true.

Did not you lay things about the place and try to lay traps for people, to make them thieves?—No.

That was your reputation, was it not?—I say it is false.

Now let us bring you to Sibton Chapel. You tell us you saw this man Gardiner put his legs on Rose Harsent's lap?—I did.

William Gardiner.

Henry Rouse

Did I not ask you this question: "He put them right up so that a great many people could see if they looked?" ; and did not you answer "Yes"?—I did not understand you to say "a great many people." I said "some people."

[Witness explained by means of the plan handed him by counsel the interior arrangements of the chapel.]

Who do you suppose could see the incident?—Any one sitting in the front pew could see it.

Anybody sitting in the choir could see it?—Yes.

Who was in the choir that night?—I cannot tell you; I did not take much notice.

Was Miss Fiddler there?—I do not know a Miss Fiddler.

Does Miss Fiddler sing in the choir?—Mr. Fiddler has not a daughter, so far as I know.

I beg your pardon. It is my mistake. I mean Miss Walker?—I feel sure she was there.

You have spoken to her about it?—I do not remember I ever did.

Since the last trial, I put it to you that you had Miss Walker there, and tried to make her remember it?—I never spoke to Miss Walker since the last trial.

Were you not with the policeman?—Never.

How many others were in the choir?—There might be two or three more. There were seven or eight in the choir altogether.

All of them could have seen?—They could, if they had looked.

People in the front benches could see?—Yes.

You were in the rostrum?—Yes.

What were you preaching about?—The works of Christ.

I suggest anybody in the chapel could have seen it had it happened?—They could not see; only those sitting in front.

Evidence for Prosecution.

Henry Rouse

How many could see that improper act?—I suppose about twelve or thirteen.

Why did you not stop and rebuke them?—I did stop, but I did not rebuke them at the time, because I thought it would do harm to God's cause.

How long did you wait before you wrote the letter to Gardiner?—About nine or ten days, or a fortnight.

When you had seen him merely walking out with the girl, which might have been quite harmless, you thought it important enough to rebuke him personally?—I did.

Having seen a grossly indecent thing in the chapel—it was grossly indecent?—It was in God's house.

Did you not think it sufficient to talk to him of an indecent act like this in the very choir itself?—I did think it was.

Then why did you not do it?—Because I had spoken to Gardiner about other failings, about this, that, and the other—being with the girl—and this time I thought I would write, thinking he would heed what I wrote to him. I had spoken to him before, and it was quite right, when a man scandalises the Church.

Do you mean the Skinner and Wright episode?—I mean what Skinner and Wright said.

You had spoken to him of that?—I stood there for Gardiner, spoke for Gardiner, because I had not been there long and thought that the tale the young men represented must be wrong. Gardiner knows I spoke for him.

You did not believe the story?—I did not seem as though I could believe it.

You believe it now?—So I did when I saw him with the girl at an hour when he ought not to have been.

Having seen this thing in the chapel, why did not you speak to him as man to man?—I did not speak to him because he had not paid any heed to what I had said about it.

William Gardiner.

Henry Rouse

When did you first mention it to any living soul?—
When he continued to go on in the way that he did.

What do you think of the man who writes an anonymous letter?—I think the way I wrote the letter I wrote as a friend. I did not wish to expose him. I thought he would take it as some one else writing to him, and would turn from the ways he was walking in, and become just the man he professed himself to be.

Can you write?—I can.

Why did not you write the letter yourself?—I did.
But you got your wife to copy it?—Yes.

So that he should not know whom it came from?—So that if there should be anything said to the contrary of what I had put in the letter, I should have it to defend myself.

You wrote the letter that was read to-day?—I did write the letter.

You got your wife to copy it?—Yes.

I put it to you, your object in doing that was to stab Gardiner in the dark, and not let him know who stabbed him?—It was to bring Gardiner to the truth.

Can you account for this fact, that having seen, as you say, the man put his legs on the girl's lap, you did not from start to finish in that letter mention it?—I did not mention it, I think, about his putting his feet on the girl's lap, but I cautioned him about his misconduct, and told him what he was doing to the church.

[Mr. Wild read over the anonymous letter sent by witness, commenting upon certain passages, and repeated his question as to his reason for not alluding to the alleged misconduct during the service.]

WITNESS—I wrote it because I thought it would start Gardiner thinking, and whilst thinking, acting.

Were you preaching in your regular order?—I was.

According to the plan?—No. I was filling another's place, because they had taken mine when I was not well.

Evidence for Prosecution.

Henry Rouse

Will you tell me in the place of whom you were preaching?—I cannot tell. It is some time back, and I do not make a note of these things.

Re-examined by Mr. DICKENS—You know this gentleman has suggested that you have simply concocted this story against Gardiner on this charge of murder against him. Have you ever had any quarrel with Gardiner in your life?—Never.

Have you ever had any ill-feeling towards him in your life?—Never.

Has he ever shown any ill-feeling to you?—For the last five or six weeks Gardiner did not seem to be so friendly as he had been before.

What five or six weeks?—The five or six weeks before he was taken away for this murder charge.

But I am speaking now of the time of the Sibton Chapel inquiry. At that time you were on perfectly friendly terms with him?—I was.

And do I understand from you that you took his part then?—I did. I believed him to be an innocent man.

Did you speak in his favour?—I did.

Up to the time that you met them walking together on that February evening, had you ever seen anything wrong between him and Rose Harsent?—No.

When you saw them walking together on this night in February, was that the first time since the inquiry that you had any reason of your own knowledge to suppose anything was wrong?—It was.

Why did you not bring it before his Church?—Because I did not wish to do the man any harm, or even make any talk about it.

When you spoke to him privately, did he attempt to deny that he had been with the girl?—No.

When he told you that it should not occur again, did you believe him?—I did.

Was the next thing you noticed with regard to himself

William Gardiner.

Henry Rouse

and Rose Harsent what you have told us you saw in the chapel where you were preaching?—Yes.

Did you think it was any good speaking to him privately again?—I did not think so.

Why did you not write in your own name?—Because I thought he would be thinking about it and wondering who it came from, and that he might alter his whole course of life.

How long ago was that fire?—It was straw in the bullock yard.

At what time in the day did it take place?—I cannot say. I was ploughing at the time. It was ten o'clock in the morning.

Why did you think it was the boy Burrell?—Because there was no other person I knew who was at work there.

Had you other men working for you?—Yes, but nowhere in the yard.

And you thought, rightly or wrongly—we are not dealing with that now—that he had set fire to this place. Did you tell the police?—I went and spoke to the boy first, and then I told the police. I thought he was the boy, because I found a piece of cane, such as boys smoke, lying in the bullock yard. That had been lit, because I could see, and so could the police.

The boy was discharged—they could not take any charge against him?—He was discharged.

With regard to your giving evidence against Carter: where was it you gave evidence before the judge?—At Norwich.

That was where the trial was?—Yes.

She was charged with murder?—Yes.

She was convicted?—Yes.

And you were one of the witnesses against her?—Yes.

And you had previously given evidence against her at Halesworth?—Yes.

Now, with regard to this suggestion of scandal with Mrs. Gooch, you say you went to Gooch's house because

Evidence for Prosecution.

Henry Rouse

he said he was going to be a God-fearing man, and he wanted you to go there. What were you to go there for?—I read portions of Scripture to them, and unfolded them to the best of my belief.

You were then doing the work of the Church?—I was.

How often did you go to the house?—I went several times.

There was a sow. Whose was it?—He bought it of me.

The man who started the scandal begged your pardon. What took place in regard to it? Some one started the scandal about you and Mrs. Gooch. How did it end?—It ended that they were false people.

With regard to this question of Snelling, you have told us that you knew they were a wild kind of girls. Did you make any statement yourself with regard to them?—No.

Is there any truth in the suggestion that you kept back any of the wages from Mr. Nash?—I never did.

Did you keep any of the wages from Snelling?—He has had pounds from me to help him on, and without it he would not have had a piece of bread to eat.

By MR. JUSTICE LAWRENCE—How long have you been a local preacher?—Somewhere about twenty-five or twenty-six years, my lord.

HARRY HARSENT (fourteen years of age), examined by the Hon. JOHN DE GREY—Are you the brother of Rose Harsent?—Yes.

Are you employed at the Drill Works, Peasenhall?—Yes.

You know the accused Gardiner?—Yes.

Has he at any time given you a letter to take to your sister Rose?—Yes.

How often has that been the case?—Not very often.

How often do you think: more than once?—More than once.

William Gardiner.

Harry Harson

In what year?—I took some in June, 1901, first.

When you took the letter in June, 1901, what kind of envelope was it in?—A blue envelope.

You took letters more than once from him to her in 1901?—I took two or three in 1901.

And in 1902 did you take any letters from him to her?—Yes.

How often?—Not very often: once or twice.

Have you ever taken letters from your sister to him?—Yes.

In 1901?—Yes.

How many do you think?—I do not know exactly how many.

About how many?—Two or three.

In last year, do you remember taking any there?—Yes.

How often did you take them?—Once or twice.

Was it part of your business to take the *East Anglian Daily Times* to Gardiner?—Yes.

And used you to do so every day?—Yes.

By Mr. JUSTICE LAWRENCE—From where?—From the newspaper shop.

Examination continued—To his office at the works?—Yes.

Whose shop was it?—Mr. Emmott's.

Do you remember the day your sister died?—Yes.

Do you remember the Friday, the day before you took the *East Anglian Daily Times* to Gardiner?—Yes.

Cross-examined by Mr. WILD—In giving your evidence at the last Assizes, did you say Gardiner had given you a letter some time in June, 1901?—I cannot say how many I took, I took two or three.

You said you had not taken any letter from Gardiner to Rose in 1902?—I do not know what I said.

Is it a fact beyond the two letters you took in June, 1901, from Gardiner to your sister, you took any others?

Evidence for Prosecution.

Harry Harsent

Do you remember taking any others?—Yes; but I do not know when.

Did Mr. Nunn help you to remember?—No.

Who asked you about it first?—Staunton did first.

When you swore before Mr. Justice Grantham that you had not taken any letters from Gardiner in 1902, was that the truth?—I suppose so.

I won't press you. Was Emmott's shop nearly opposite Providence House, and where the young man Davis was engaged?—Yes.

The *East Anglian Daily Times* you obtained there is the paper all Suffolk reads; it is the daily paper?—Yes.

You used to take one to Mr. Smyth?—Yes.

And the name of the customer used to be written on the back, did not it?—Yes.

FREDERICK HENRY BREWER, examined by the Hon. JOHN DE GREY—I am a postman at Yoxford, and it is my duty to collect and deliver letters at Peasenhall. I delivered the letter produced at Providence House on the afternoon of 31st May, from three to a quarter past. It was addressed “Miss Harsent, Providence House, Peasenhall, Saxmundham.”

Look at the postmarks on that envelope. Can you say what time it was posted at Peasenhall?—Between half-past six on the Friday night and 10.55 the next morning.

You have noticed the kind of envelope. Have you ever delivered letters to Rose Harsent in a similar envelope?—Yes; three or four.

Mrs. GEORGINA CRISP, examined by Mr. DICKENS—I am the wife of William Crisp, of Providence House, Peasenhall.

Rose Harsent was your servant?—Yes.

Before the 31st of May, about a fortnight before she was killed, did you discover that she was in the family way?—Yes; I accused her of it, and she denied it.

She slept in the bedroom over your bedroom?—Yes.

William Gardiner.

Mrs Georgina Crisp

And to get to it she had to go up the stairs by the kitchen?—Yes.

What time did you go to bed that night?—At a quarter-past ten.

In the afternoon of that day did you take a letter from the postman, at about a quarter-past three?—I took a letter, and laid it on the kitchen table.

A letter like this?—Yes.

You went to bed at a quarter-past ten. Did you see Rose before you went to bed?—Yes. I bid her good night.

Where was she then?—In the hall.

Did you go straight up to bed?—Yes.

In the kitchen was there a lamp for the use of Rose Harsent?—Yes, and a candlestick to take up to her bedroom.

You have seen the lamp that was found on the floor after the girl's death. Was that the one used in the kitchen?—Yes.

Was it an ordinary paraffin lamp?—Yes.

In the course of the night did a violent storm arise?—Yes, a storm arose.

Did it wake you up?—I looked to see if the rain was coming in at the windows.

Did you open the door leading to the lobby of the conservatory?—No. I did not open that door, but I found the kitchen door open—the one leading into the dining-room—and I shut it.

Did you then go upstairs again to bed?—Yes.

Did you go to sleep?—Yes.

Did anything wake you?—Yes, I was awakened by some one screaming, and I was startled. I was going downstairs, but Mr. Crisp would not allow me. He thought if our servant was nervous she would come to us, as I had told her previously to do. I did not go into the room—the kitchen—until the Sunday evening at 9.30, and the body had been taken away.

Evidence for Prosecution.

Mrs Georgina Crisp

There is a window looking out of the kitchen into the conservatory?—Yes.

Was anything fastened against that window?—Yes; a black wrapper was fastened to it, over the curtain, with a metal fork.

Was it a wrapper of yours?—Yes.

Where was it usually kept?—In a tin box.

When had you seen it last?—On the Saturday morning between 11.30 and twelve o'clock.

Do you take in the *East Anglian* newspaper?—No, not on a Friday.

Cross-examined by Mr. WILD—Why not on Friday?—Because we have the *Chronicle* on the Friday; therefore we do not require a daily newspaper.

By Mr. DICKENS—I forgot one question: is your husband a deacon of the Doctor's Chapel?—Yes.

You attend the Doctor's Chapel yourself?—Yes, once a fortnight.

Before the 1st of May, 1901, had you heard there was anything wrong with the door of the chapel?—No, I had never heard anything wrong about it.

Cross-examination continued—You knew nothing about the door at all last time?—No.

Have you not heard that the door was eased?—No.

Have you now?—I have not heard anything about it being eased at all.

Have you heard about it being painted where it was eased?—I know it has been painted (with a laugh).

You seem to think it is a great joke?—I am not joking, Mr. Wild.

Would you mind not addressing me by name? Just answer the questions, please?—My lord, Mr. Wild and Mr. Leighton came to my house yesterday three weeks. I have given you every opportunity to come to our house, and I do not know why you should doubt my word.

Did you tell me on the last occasion that the door

William Gardiner.

Mrs Georgina Crisp

was painted where it had been eased?—I know it was painted.

Whether or not it was eased, you do not know?—No, I do not know.

Is your husband here?—Yes, he is, and he can tell you more about it, seeing that he has been connected with the chapel forty years.

Your husband has not been called in these proceedings at all?—No, he has not.

Is he very deaf?—Not so deaf that he can't speak to you. He can answer you better about the chapel than I can, Mr. Wild.

Do you mind not addressing me by name? Answer my questions?—Of course, I will do so, but I can't answer for what I do not know.

In regard to the girl, you were very particular about the class of girl who was your servant?—Of course I was.

You would not desire that anybody but a strictly moral young woman should continue in your service?—I did not know; she was respectable and well conducted in the house. Of course I require a respectable servant, but you don't know.

And you were more particular because of a previous occurrence in your house?—Yes.

A servant had to leave because she was *enceinte*?—Yes; that was three or four years ago.

That made you more particular in regard to servants?—Yes.

If you had believed this girl was an immoral young woman, you would not have kept her?—No, I should not.

Now, as to the 31st of May, did you give evidence before the Coroner on Tuesday, 3rd June?—Yes.

That would be within forty-eight hours practically of the occurrence?—On the Tuesday.

You were upon your oath, of course?—I was.

Evidence for Prosecution.

Mrs Georgina Crisp

Did you tell the Coroner's jury the truth?—Well, Mr. Wild—

Will you answer the question and not call me Mr. Wild? Did you tell the Coroner's jury the truth?—I did.

Was the evidence read over to you and did you sign it?—I did.

And was it true?—I cannot answer about everything at the inquest.

You said then: “ I went downstairs between twelve and one.” Was that true?—I was guided by my husband as to the time. I did not look at the time.

The time you gave was the time he told you?—Yes.

Then you go on: “ Between one and two I thought I heard a thud, sounding from downstairs, and shortly afterwards a slight scream.” That was true?—I heard a thud, but I would not say positively the time.

Then why did you swear it before the Coroner?—I swore it.

(At this moment, the proceedings were interrupted by the witness's husband, who was sitting on the Bench, and who rose with the exclamation, “ May I speak? ”)

Mr. JUSTICE LAWRENCE—Sit down; be quiet.

Cross-examination continued—Is this the deaf gentleman?—That is my husband.

Is that Mr. Crisp, who is on the Bench here to-day?—It is.

You said on 3rd June that you first came down between twelve and one, and that you heard the thud and scream between one and two?—Yes, I believe that was what I said.

You were swearing to the best of your belief?—Yes.

Later in the depositions she is recalled, my lord, and on the 16th June before the Coroner, you say this, Mrs. Crisp: “ I believe it was between one and two a.m.” You did believe it?—Yes.

You said previously: “ I think it was in the middle

William Gardiner.

Mrs Georgina Crisp

of the storm": is that true?—I cannot say it was in the middle of the storm; it might.

Before this happened I believe you heard the clock strike twelve. Did you hear the clock strike twelve?—I did not.

Then why did you swear it on your oath?—I suppose it was imagination.

Is it not more likely to be imagination what you say now than what you said then?—No.

At all events it was dark?—It might be; I forget; it is such a long while ago.

Have you not sworn it was dark at the time?—(No answer.)

I call your lordship's attention to the depositions taken before the magistrates on 19th June. Did you say this then, Mrs. Crisp: "I had not been asleep, and could not say at what time I heard the thud"; it was dark then?—I believe it was.

Therefore, whatever time it was, it was in the dark, was it not?—Yes.

You do not try to go back on that?—No.

You told me you thought you had a conversation with your husband as to whether Rose was frightened at the storm?—Yes.

And I also said to you at the last hearing: "I presume the storm was still raging?" and you said: "I suppose so"?—Yes, it passed off after a time.

Most storms do?—It was not such a violent storm.

You told me the storm was still raging?—I might do so.

Did you tell me so?—I cannot say whether I did so or not. I said to my husband: "I wonder whether she was frightened," and asked whether I should go down; and he said: "No; if she is frightened she will come to us."

You thought she was screaming because she was frightened at the storm?—Yes.

Evidence for Prosecution.

Mrs Georgina Crisp

It must have been enough to frighten anybody, then?
—Yes, I suppose so.

Was it a loud scream?—No.

Heartless not to go to her?—It was a moaning scream.

That is why your husband made you keep in bed?—
Yes; she could come to our room.

How long an interval elapsed between the thud and
the scream?—I do not think there was any interval;
there might be a second or so.

Previously you said you heard a thud downstairs, and
shortly afterwards a slight scream?—Well, yes.

A minute or so?—Yes.

You are the only person who can give any light as
to the time the murder was committed. Now, how soon
after the thud did you hear the scream?—About a
minute.

You realise it was dark?—Yes.

You realised the girl was frightened?—I thought if
she was frightened she would come to us. She was not
a nervous girl at all.

The reason you gave the time was because you talked
it over with your husband. Is that the explanation you
give about giving the Coroner the time?—My husband
said nothing about it.

What was said about the time?—You have it down
there.

What you have said about the time was what you
believed yourself, and arrived at after conversation with
your husband?—Yes, I had no conversation with him
except about going downstairs.

You swore on a previous occasion that it was between
one and two, and that it was because you spoke to your
husband?—Mr. Crisp thought it was.

[Mr. Dickens pointed out to his lordship that witness
said: “I neither heard the clock strike nor looked at it.
I think the storm had abated when I went to sleep; I

William Gardiner.

cannot remember whether the storm was raging at the time I heard the scream.”]

Mr. WILD—Does your lordship allow counsel’s notes to be given?

Mr. JUSTICE LAWRENCE—The proper way is to put it to her.

(The Court adjourned.)

Evidence for Prosecution.

Second Day—Thursday, 22nd January, 1903.

HARRY BURGESS, examined by the Hon. JOHN DE GREY
—I am a bricklayer, living at Peasenhall. On Saturday evening, 31st May, I saw Gardiner at five minutes past ten in front of his house.

How far from the door?—About a yard or two. I spoke to him, and was with him about a quarter of an hour.

Did you notice the top window of Providence House?—Yes, as I was going up home. I noticed a light there. Before that I remembered the scandal there was about the Doctor's Chapel. I also remembered the inquiry, and, after that, myself, Wright, Skinner, and Nunn went down to the chapel.

What occurred?—Skinner, Wright, and myself went inside, and Nunn stayed outside. Skinner and Wright were by the window, and spoke.

The experiment was after accused had been committed for trial?—Yes.

What was said?—I cannot tell you all that was said, because I cannot remember, but I heard them say “ Oh, oh, oh.”

I think you told us before most of the Peasenhall people were at their doors on the evening of 31st May?—Yes.

And Gardiner was out, like the others, looking at the weather?—Yes.

ROSANNA DICKENSON, examined by Mr. DICKENS—I live at Peasenhall, and keep an ironmonger's shop, next to Mrs. Gardiner's. On Saturday, 31st May, there was a thunderstorm in the evening, and I was very nervous. Mrs. Gardiner came in from eleven to half-past.

William Gardiner.

Rosanna Dickenson

What time did her husband come in?—As near as I can possibly tell, some time about twelve.

Then did they remain in your house till half-past one? —Yes.

Did the storm cease at that time?—Yes, it was getting over.

I think you said Gardiner came in shortly after his wife?—Yes.

You did not notice the time?—No.

So that it might have been a quarter to twelve?—Yes, it might have been.

As a matter of fact, I think they had been with you the night before?—No; I was with them the night before, as there was a storm then.

Did Gardiner seem to be quite himself?—He was quite calm and collected.

What shoes had he on that night?—Carpet shoes; one dropped off, and I noticed it.

What time did they leave?—Half-past one. He said: “ You won’t mind now; it is only an hour and a half till daylight.”

JAMES MORRISS, examined by Mr. DICKENS—I am assistant gamekeeper of Peasenhall. The name of my head gamekeeper is Redgrave, and he has a brother, a gardener, living in Peasenhall. I remember the 1st of June of last year. That morning about five o’clock I was out in Peasenhall Street, and my way took me past Gardiner’s door. I was walking in the direction of Providence House. The rain had ceased at that time. I noticed footprints representing india-rubber shoes with bars across. The footmarks started from Gardiner’s step and went right to Providence House gate on the Hackney Road. They also returned to Gardiner’s house. I had heard of the scandal about Gardiner and the girl before this.

Before you heard that Rose Harsent had been mur-

Evidence for Prosecution.

James Morris

dered, did you make an observation with regard to what you had seen to Redgrave?—Yes, I spoke to Redgrave about it at a quarter to six the same morning, and I first heard of the murder at half-past eleven. The police spoke to me about it on the 6th. At the inquest one of the jurymen drew the shape of a foot, and I made lines across representing the bars.

At the time you did that, had you seen Gardiner's shoes?—No.

Cross-examined by Mr. WILD—Did you ever look for the footmarks again?—No. It is not true that between twelve and one o'clock I was near Providence House looking for them.

Did you see any other footmarks that morning?—Yes, half a mile from there.

Those were the marks of hobnailed boots?—Yes.

Were they distinct impressions?—Yes.

Did you see any hobnailed boots against Providence House?—No.

Do you think if there had been, you would have seen them?—I think so.

You did not see any marks on Gardiner's step?—No.

Was it very wet that morning?—Yes.

Is it ordinarily a hard-metalled road?—In dry weather it is solid.

Did it rain after you saw the footmarks?—Not that I am aware of.

In what part of the road were the footmarks?—About 3 yards from the houses.

Were the footprints leading to and from Gardiner's house side by side?—They might be in some places.

Did you not go back to Gardiner's house?—No.

If the footmarks were 3 yards from the houses, that would take them well into the road?—No.

Why did not you speak to the police when you heard of the murder?—I don't know why I didn't.

William Gardiner.

James Morris

At all events, you never did speak to the police till they came to you?—No.

Do not you know any reason why you didn't? It was very important in your mind, was it not?—Yes, it was.

How many bars did you notice in the footprints?—I did not notice how many.

A point has been made that you filled up the paper with bars across; did you ever see a pair of shoes where the bars did not go that way?—No.

The reason you gave before as to why you did not mention the matter to the police was because you were busy?—I never said so.

If the police had not come to you, you would never have mentioned it?—Very likely not.

Re-examined by Mr. DICKENS—I had no reason to follow the footsteps to Providence House; I had no doubt in my mind that they started from Gardiner's house.

HERBERT STAMMERS, examined by the Hon. JOHN DE GREY—I live in Peasenhall, and my house looks on to the yard where Gardiner lives. I remember Sunday morning, the 1st of June. I saw Gardiner that morning about 7.30. I saw him go towards his wash-house. There was a very large fire in the wash-house. I noticed before he got there that he was on his way towards the wash-house. I thought it was a very large fire, larger than I had seen there before. I had seen fires there before, but not so early as that on the Sunday morning. I had never seen a fire there before half-past eight or eight o'clock on other occasions.

Cross-examined by Mr. WILD—I did not give evidence before the Coroner or before the magistrates.

When did you first give evidence?—I first gave evidence at the last trial in November.

Why did you not give evidence at the preliminary

Evidence for Prosecution.

Herbert Stammer.

inquiries?—When they came to me, I told them what I knew.

When did they come to you?—I did not take notice of it, but it was not a very long while before the last Assizes.

How long before the last Assizes?—I cannot say. Police Constable Nunn called upon me and he can tell you.

Will you swear it was more than a week?—I cannot swear to that.

Did you at the last Assizes, when you first gave your evidence, simply say: “I noticed there was a fire inside”?—Yes, I did.

It was not until the learned judge asked the question: “Was there a great fire?” that you said you thought it was an excellent blaze?—No, the judge did not. He said: “What sort of a fire?” After I gave my evidence, he said: “You mean a large fire?” and I said “Yes.”

I put it to you that you never suggested it was a great fire until the words were put into your mouth by the judge?—After he asked what sort of a fire I told him. I told Police Constable Nunn it was a large fire.

It was nothing uncommon for Gardiner to light wash-house fires on Sundays?—I have seen him at chance times do it.

You did not stop to watch?—It is in front of my door; I cannot help seeing it.

They boil the kettle there for breakfast?—I have lived there for twelve months, and it is not a usual practice for fires to be lit there on Sunday morning.

Re-examined by the Hon. JOHN DE GREY—The fire was lit before Gardiner came out of the house. There was a great body of fire. The fire was alight before I saw Gardiner in the yard, because I saw smoke issuing from the chimney when I was in my bedroom.

William Gardiner.

John Samuel Rickards

JOHN SAMUEL RICKARDS, examined by Mr. DICKENS—I live at Peasenhall, and am secretary to Messrs. Smyth & Sons, of Peasenhall. William Gardiner was in the employ of that firm, and was foreman over the carpenters and over the rough timber department. Wright was employed in the wheelwrights' shops, and Skinner was among the blacksmiths in the fitters' shops. I know Gardiner's handwriting. These letters (produced) are in the accused's handwriting.

Mr. DICKENS—These are marked "H" and "I," my lord.

Mr. JUSTICE LAWRENCE—Are these letters from the Paris Exhibition?

Mr. DICKENS—Yes; they are purely for comparison.

Examination continued—The buff envelope produced is similar to what is used at the works, and the blue one is also similar. The buff envelopes are kept in open pigeon-holes in my office. Gardiner would be in and out of that office at different times. The blue ones are kept some in the pigeon-holes and some in packets in small cardboard boxes. Gardiner could pick them up if he wished to do so. Wright was what I may term especially reprimanded about 25th June in connection with some defect in a wheel or a drill that I had under my care at the Colchester Show. Strictly the man over him was the man in fault, a man named Mayhew. He should have done the work that Wright was reprimanded for. On the Monday morning after the Saturday on which Rose Harsent was killed, Gardiner came to the works as usual. He stayed until the police came, and they remained with him in his office until one or two o'clock. I went to dinner between one and two o'clock, and when I came back I found he had left the works. He did not come again the same day, nor afterwards.

Cross-examined by Mr. WILD—Gardiner was Wright's foreman, was he not?—Yes.

Evidence for Prosecution.

John Samuel Rickards

I suppose every reprimand is not entered?—We do not enter them at all that I am aware of.

Did the matter specially come under your notice?—Yes; an ordinary reprimand would not come under my notice at all. Gardiner, in addition to being foreman over the wheelwrights, was also expected to speak of anything he saw amiss outside.

How long had he been connected with the firm?—About twelve years. He began as an ordinary workman in the shop, and has worked his way up to foreman and outside man. He has been foreman about four years.

As far as you can judge, was he a steady, respectable man?—Yes.

A rather strict man in habits, and so on?—Yes.

With regard to these envelopes, you do not suggest there is anything out of the common about them?—I do not know there is anything out of the common.

How much do you give a thousand?—I have not looked up the price, but I think about 3s. a thousand.

Did not Captain Levett-Scrivener (foreman of the Coroner's jury and also a committing magistrate) make a remark that he used the same kind of envelopes in his office?—Yes.

There would be a number of people coming through the office in the daytime?—Of course, workmen might occasionally come into the office, but it is not usual.

Anybody who happened to come in could pick up an envelope?—They could do such a thing.

You keep no record of the number of envelopes?—No, it is out of the question.

All you say is, Gardiner might have picked up one or he might not?—Well, I think if he wanted one, he knew where to get one.

WILLIAM HARSENT, examined by Mr. DICKENS—I am the father of Rose Harsent and am employed at Peasenhall Drill Works as a carter. I remember the

William Gardiner.

William Harsent

day of my daughter's death. I was in the habit of going to see her every Sunday morning to take her new clothes and clean linen. On this particular Sunday morning I went to Providence House at eight o'clock. I went by the back way and found the door open that leads into the kitchen. I went in and saw my daughter lying with her head near the bottom of the stairs leading to the bedroom. She was in her nightdress and stockings, and the nightdress was burned on each side. I covered her up with a rug. Her throat had been cut. Mr. James Crisp came to the side door. I moved the top of the lamp—the iron part that was lying by her side; but I moved nothing else in the room. I only just moved that on one side.

Cross-examined by Mr. WILD—That was about eight o'clock?—Yes.

Who is Mr. James Crisp?—A shoemaker, brother of the other Mr. Crisp.

What was he doing there?—I suppose he came the same as other people.

Did you say there was a pool of blood surrounding your daughter's head?—I did not say so.

[Mr. Wild here read from witness's evidence before the Coroner on the 3rd June the words, “A pool of blood surrounded her head.”]

WITNESS—I did not say that at the last trial.

Cross-examination continued—Is it true that a pool of blood surrounded her head?—I do not remember. There was a pool of blood close by.

Was the blood all about the place?—No.

Did you say before the magistrates that the floor was covered with blood, and that blood was on her left side?—Yes.

Was she lying with her right side against the scullery wall, and was there blood on her left side?—Yes.

Did you feel her arm?—Yes.

Evidence for Prosecution.

Constable Nunn

Constable ELI NUNN, examined by the Hon. JOHN DE GREY—I am a police constable, stationed at Peasenhall. On Sunday, 1st June, I went to Providence House at twenty minutes to nine in the morning. When I went into the kitchen I saw the body of Rose Harsent, who was quite dead. She was lying on her back, with her feet towards me as I went in. Her head was close up to the stairs that lead up to her bedroom; and the stairs door was open. I noticed a broken bracket—the bracket supporting the shelf that runs over the door. It looked as if the door had been thrust back forcibly, and had hit the bracket. In regard to clothing, the body had only part of a nightdress on—the remainder had been burned away. Deceased was lying quite flat on her back with her feet towards the door. The nightdress was all burned, barring the part round her throat and chest.

Was any part of her body burned?—Chiefly on her right side and arm—in the middle of the body.

Was this on both sides?—Chiefly on the right side.

Was there some burning on the other?—Yes.

I think the hair had not been burned at all?—I do not think so.

Was her hair up or down?—Loosely done up.

Did you see any traces of burning elsewhere than on the body?—The tablecloth—the edge of it nearest her shoulder—was burned. I noticed that a copy of the *East Anglian Daily Times*, dated Friday, 30th May, 1902, was under her head. Some of the paper was charred, but I read the date on an unburned portion (produced).

You said this paper was under her head?—Yes, at the back of her neck and shoulders. Her throat was cut nearly from ear to ear, and there was a large quantity of blood about. It had evidently spurted out on the left side.

Was there in any part of the bedroom any trace of a bloody foot, or any trampling of blood?—None whatever.

William Gardiner.

Constable Nunn

Did you notice a trace of paraffin?—Yes.

Could you smell it?—I could smell a good deal of paraffin I saw a candlestick, but the candle was burned out. This was on the left side of the head, about a foot away. I noticed a lamp on the floor. (These were produced.) The globe was broken.

By Mr. JUSTICE LAWRENCE—How near were they to the body?—A very few inches off.

Examination continued—The stand was next to the candlestick, then the globe upside down, and broken, and then the well, which was half-full of oil, and with the wick in it. Then came the chimney. On the edge of the table I found some charred portions of dress; this was where the table-cover was burned.

By Mr. DICKENS—Did you find any pieces of broken bottle?—Yes.

Where did you find them?—About a foot from the girl's head, on her left-hand side.

They are pieces of a medicine bottle, are not they?—Yes.

Did you find the top of the bottle where the cork was in?—Yes.

It was rather tightly in, was not it?—Yes.

Mr. DICKENS—I understand, my lord, Mr. Stevenson took it out afterwards, and it was more tightly in than we see it now.

(To witness) Where was that lying?—Two or three feet farther away, against the fireplace.

Did you find a label on it?—There was a label, but the doctor took it and kept it for safety.

Is this the label (produced)?—Yes.

[This was read by the Clerk of Arraigns as follows: “ Two or three teaspoonfuls, a sixth part to be taken every four hours—Mrs. Gardiner's children.”]

Examination continued—Did you find any instrument which could have caused the injuries you found on the girl?—No.

Evidence for Prosecution.

Constable Nunn

Did you notice anything on the window looking out of the viney?—I found a woollen shawl (produced) fastened against the window by a fork. I went upstairs into the girl's bedroom, and found the letter "A" and envelope "B" there on the lid of a box by the side of her bed. The letter was in the envelope. I also found letters "C" and "D"—those to the girl about the episode in May. I also found a large number of letters from relatives, and so forth, and a bundle marked "U V W X Y Z"—the indecent missives. I arrested accused on Tuesday evening, the 3rd June, at half-past eight at his house. I read the warrant to him, and cautioned him. He said: "I am not guilty." I took some clothes at that time.

That was the first time the police had visited the house?—No, we had—

I mean the first time after the man had been charged?
—Yes.

What clothes did you get?—A coat, an undervest, a dirty shirt, and trousers.

In the trousers he was wearing was there a white, two-bladed knife?—Yes.

Of course, all these things went afterwards to Dr. Stevenson?—Yes.

Did you go to the house again on Wednesday, the 4th?—Yes.

What did you get then?—I got a pair of boots and a pair of carpet slippers.

On the 6th did you take a statement from James Morriss?—Yes.

Before you went to see James Morriss, had you seen the brother of Redgrave, the gamekeeper?—Yes.

In consequence of what he told you, did you go to Morriss?—Yes.

Before you received any statement from Morriss, did you know accused had india-rubber shoes?—No.

William Gardiner.

Constable Nunn

In consequence of his statement did you go to the house again?—I did.

Were you given something?—I was given a pair of india-rubber-soled shoes, a black coat and vest.

Therefore, all you received in three visits were two coats, two vests, a pair of trousers, one undershirt, and one shirt, a pair of boots, carpet slippers, and the india-rubber shoes?—Yes.

What did you ask for when you went first?—I asked for his clothing, and went afterwards because I thought he had some more.

On 6th June was a light placed in the window of Rose Harsent's room?—Yes.

Did you go to the accused's house to see if you could see it?—I did.

If you stood in the doorway could you see the light?—No, I had to go about 2 yards straight out, or to the right or left. I remember going on 28th July with Wright, Skinner, and Burgess to the Doctor's Chapel. I stood where Wright and Skinner told me they stood, and the others went inside.

Cross-examined by Mr. WILD—What was said in the chapel?—Wright and Skinner went inside, and I told Skinner to take the part of the woman and Wright of the accused.

You told them what to say?—I told them to talk on the subject of what they had heard.

They succeeded in making you hear?—Certainly they did; so could anybody else.

Please answer me properly; don't answer me in that way.

Mr. JUSTICE LAWRENCE (to counsel)—I do not think you ought to complain of him, Mr. Wild. You draw an answer of that kind. You ask him did he succeed, and it is a matter of observation afterwards. I am sure you will allow me to say this. It will make any witness turn round.

Evidence for Prosecution.

Constable Nunn

Mr. WILD—I did not mean to do anything of the kind, my lord.

Mr. JUSTICE LAWRENCE—I am quite sure you did not, but you put it offensively to him, and then blow him up if he makes an observation. It is not fair to any witness.

Cross-examination continued—Did a pool of blood surround the dead girl's head?—Yes.

Had her bed been slept in?—No.

The body would be lying alongside the scullery wall?—Yes; about 18 in. from that.

The head against the staircase?—Yes.

There is no exit by way of the scullery?—Not outside, no.

The person who committed the murder would have to go out by the kitchen door?—Yes.

Was there any charring observable upon the scullery wall or the wainscot?—I did not see any.

The principal part of the burning was on the side which was next to the scullery wall?—Yes.

Was some of the burning upon the small of the girl's back?—I cannot say.

The blood was principally on the left—the side on which the man must have gone out?—No, on the opposite side.

Had the blood spurted out 2 ft. from her feet?—Yes, there was a slight spurt out towards the door.

How near was the blood to the door?—It would reach some way.

Was the newspaper burned up?—Nearly.

The head and shoulders were lying on that?—Yes.

Was her hair singed?—No, I did not see any singeing.

When you gave evidence before the magistrates I suggest the shoes were lying on the table, so that they were visible to Morriss?—I do not know whether they were or not.

I suggest that all you were prepared to say before the magistrates was: “There was not, I think, any signs

William Gardiner.

Constable Nunn

of the blood having been stamped about?"?—I say there were no signs.

As a matter of fact, was any search made for footprints?—Yes; I searched around most minutely.

Then why did you say: "I think"?—It might have been the way the question was put to me.

Was not the first theory that this was a suicide?—It was.

Did you see blood on the two bottom steps of the stairs?—I did.

Did you see splashes of blood on the staircase door?—Yes.

How far did the blood go up the staircase?—A few steps.

You afterwards searched the girl's box?—Yes.

And you found some letters?—Yes.

At counsel's request the Clerk of Arraigns then read the following letters, which witness stated he found amongst the deceased girl's possessions:—

" Dear Rose,—I was very much surprised to hear this morning that there is some scandal going the round about you and me going into the Doctor's Chapel for immoral Purposes so that I shall put it into other hands at once as I have found out who it was that started it. Bill Wright and Skinner say they saw us there but I shall summons them for defamation of character unless they withdraw what they have said and give me a written apology. I shall see Bob to-night and we will come and see you together if possible. I shall at the same time see your father and tell him.—Yours, &c.,

" WILLIAM GARDINER."

" Dear Rose,—I have broke the news to Mrs. Gardiner this morning, she is awfully upset, but she say she know it is wrong, for I was at home from $\frac{1}{2}$ past 9 o'clock so I could not possibly be with you an hour so she wont believe anything about it. I have asked Mr. Burgess to ask those too Chaps to come to Chapel to-night and

Evidence for Prosecution.

Constable Nunn

have it out there however they can stand by such a tale I dont know but I dont think God will forsake me now and if we put our trust in Him it will end right but its awfully hard work to have to face people when they are all suspicious of you but by Gods help whether they believe me or not I shall try and live it down and prove by my future conduct that its all false, I only wish I could take it to court but I dont see a shadow of a chance to get the case as I dont think you would be strong enough to face a trial. Trusting that God will direct us and make the road clear.—I remains, yours in trouble,
“ W. GARDINER.”

Mr. WILD—I would suggest to your lordship that the course adopted last time should be adopted now. The jury were then allowed an extra quarter of an hour to read the letters themselves. It is very important to the jury, but I quite realise that they could not be read in open Court.

Cross-examination continued—Have you seen Mrs. Gardiner on several occasions?—Yes.

Has she given you information in answer to every question you put to her?—Yes.

And produced everything you asked for?—Yes.

The first visit you paid was between ten and eleven on Monday, 2nd June?—Yes.

Was she asked what time her husband left home on the Saturday?—Yes.

And did she give you an account of her husband's movements until they went to bed?—Yes.

The second interview was about one o'clock the same day?—Yes, about that time.

Was that whilst Gardiner was in practical custody at the office?—Yes.

He was kept at the office while you went to the wife? —We left Sergeant Scarf with him while we went to Mrs. Gardiner, so that the two should not get together.

William Gardiner.

Constable Nunn

You thought it right to question the wife?—We thought it right.

Did you go to the house a third time on the Monday?—I only went twice on the Monday.

I suggest that you went with these other police officers, and that is what I call the bottle interview?—I did not go any more on that day.

Was there any interview at which the bottle was discussed?—It was discussed.

Have you a notebook?—Yes, I have a notebook, and have down what she told me about the bottle.

You did not take notes of what she said?—No.

Will you show me your notebook?—I did not take any notes.

Is there any note?—There is no note about the conversation.

Did you take a note about the bottle?—Yes.

May I see the note about the bottle?—I ask your lordship whether I shall produce the book.

By Mr. DICKENS—There is no reason why you should not?—I don't trouble.

[Witness then read from his notes as follows: “I offered to give Rose Harsent camphorated oil, but I am not sure whether I gave it to her or not.”]

Cross-examination continued—There is no date to this?—No.

First of all the note reads: “Mrs Gardiner states I—,” and then there is something which I suggest to you was the word “gave,” which has been rubbed out?—I have rubbed nothing out.

Do you know when this interview took place?—It was on the 2nd of June.

On the Monday?—Quite so.

Was Staunton present?—Yes.

Did Staunton say to Mrs. Gardiner: “Can you tell me anything about the medicine bottle?”?—Yes.

Did she say: “What medicine bottle?”?—Yes.

Evidence for Prosecution.

Constable Nunn

Did he say: "Did you have a sister staying with you a short time back who was ill, and had medicine from Dr. Lay?"?—Yes.

Did she say: "Yes"?—Yes.

Did he say what name was on that bottle?—Yes, something like it.

She said Mrs. Cullam?—She mentioned the name.

That was the bottle that the sister had had?—Yes.

Did he say: "Can you get the bottle?"?—Yes.

Did she go and come back and say: "I cannot find the bottle with the label on"?—Yes.

She did find two bottles with labels?—I did not see them; she said she had got them.

Did she tell you that Rose Harsent, somewhere about the preceding Easter, had had a bad cold?—Yes, she spoke about it.

Did she tell you she was a believer in camphorated oil, and prescribed it for her?—She spoke about camphorated oil. She said she offered it to Rose Harsent.

Did she say she took some from her own bottle and put it in a medicine bottle?—She said she must have put it in.

I put it to you that what she said was that she had her own bottle, and put some of it into another?—I do not remember, but I will not swear she did not.

That was for Rose Harsent's cold?—She told me she offered it to Rose Harsent.

Did Superintendent Staunton say: "Did she take it away?" and did Mrs. Gardiner reply: "She must have done"?—No; that was not said. She said she could not remember whether Rose Harsent took it or not.

Staunton said to Mrs. Gardiner: "Are you sure she took it away"?—He might have said it.

Mrs. Gardiner said she must have done?—I do not remember it.

Then Staunton turned to you and said: "Put it down that Mrs. Gardiner states she gave her some camphorated

William Gardiner.

Constable Nunn

oil in a medicine bottle which may have been taken away?"—If he told me to write anything down, then what is in the notebook is what he told me.

You have nothing down in the notebook except what you have got there?—Not relating to this matter.

I suggest to you that you paid a fourth visit to the house on the evening of Tuesday, 3rd June, at 8.30?—When I arrested the accused.

Have you any note of that?—Yes.

Did you ask her to get her husband's clothes and shirt?—Clothing, I said.

Did she bring the clothing, and say that was what he was wearing on the Saturday?—Yes (holding up a parcel); this is what I received.

Then the question was put if anything had been washed?—Yes.

She said: "No"?—Yes.

She said that she washed once a fortnight, and that her washing-day would be a week hence?—Yes.

As a matter of fact the shirt and undervest presented no sign of having been washed?—No.

Then I think the accused fainted?—Yes.

And subsequently Mrs. Gardiner fainted?—That I do not know.

Was not a brandy bottle got from the cupboard?—Something was got.

Was it brandy?—I do not know.

Was it given to Gardiner to restore him?—Yes.

Did you go again on the Wednesday, the 4th June?—Yes.

Did you ask her for her husband's boots and shoes?—Yes.

Did she give you a pair of boots and the carpet slippers that have been produced?—Yes.

And when did she give you the old black coat and vest?—The same time I had the india-rubber shoes.

She gave you these?—I asked for them.

Evidence for Prosecution.

Constable Nunn

She told you he was not accustomed to wear them?—Yes.

You had then seen Morriss on the Friday, the 6th?—Yes.

And you asked for rubber shoes, and she at once produced them?—Yes.

She has always produced what she has been asked for?—I have always said so.

Did you go again on Sunday, the 8th June?—Yes.

Did you then ask her for a letter her husband had written to her from the gaol?—Yes.

Did she say she did not like to part with the letter?—She gave it to me, but she had allowed me to read it a day or two before.

She did not care about parting with it?—Yes.

Do you know what became of it?—No.

Do you know how long it was in the custody of the police authorities?—A few days.

Was it a week?—I should not think so.

Do you know whether it was submitted to anybody for examination? You have heard nothing about it?—I do not think I have.

In about a week's time you handed her husband's letter back?—I should not think it was a week.

Did you, in the girl's box, where you found these indecent letters, also find an indecent book?—No.

Did you find a pamphlet about —?—There is a pamphlet there. I do not know what it is.

[Mr. Wild here put in a pamphlet which he said he had forgotten to put in. It was found in the girl's box.]

Cross-examination continued—Did you, to put it shortly, discover a considerable amount of correspondence in the girl's box?—All the letters I found are here.

There was a great number of letters?—Several letters.

What do you mean by several? Were there a score?—They are all here. I should think there is.

William Gardiner.

Constable Nunn

Re-examined by Mr. DICKENS—With regard to this letter that you got from the wife on 8th June, do you know, as a matter of fact, that it was wanted simply for the purpose of comparison with the handwriting in the first instance?—I believe that was what it was for.

As a matter of fact, it was not used for that purpose, and was returned to the wife?—I returned it to her.

And do you remember that at the last trial the foreman of the jury said they would like to have that letter before them, and then it was fetched from the residence of the accused?—Yes.

Did you ever search the house of the accused at all?—No.

You took whatever was given you?—Yes. Well, I looked in a cupboard or two in the house.

But you made no search?—

[Mr. Wild objected to the form of the question.]

Re-examination continued—Did you make a search?—I cannot call that a search. I was simply looking for the letters in the cupboard.

When you asked on the first occasion for the husband's clothing, and she brought what he was wearing on the Saturday, what did you ask for?—I asked for his clothing. I thought that would include all. That is what I meant.

You told us what she gave you; how came you afterwards to ask for more?—I thought she had got more.

When you asked for more, she gave you the other lot of clothing?—Yes.

When you made your search and investigation of that room, had you any reason to suppose at that time it was a suicide?—I had my doubts about it from the very first.

As to what?—At first I thought it was naturally a suicide. I did not think of anything else. Of course, after seeing the wounds and finding the letter, it made me think of something else.

Evidence for Prosecution.

Constable Nunn

So when you saw the wounds I understand you had your doubts?—Yes.

And having your doubts in your mind, did you carefully search the room to see if there was any trace of a murder?—I did; I examined it thoroughly.

In reference to your conversation with Mrs. Gardiner, you say she said: “ My husband left home about half-past two, returned home at 9.30, had his supper, went with me to Mr. and Mrs. Dickenson’s, and stayed there until 1.30, went to bed, and did not leave home till 8.30 next morning.” Did she say to you what took place that night after they had gone to bed?—No, I do not remember anything.

Did she say anything about being awake all night?—I do not remember her saying anything.

Or getting up to get brandy?—No.

By Mr. WILD—You told me that she answered all the questions that you asked her. You did not ask her what took place in the night?—No.

It was then supposed the murder had been committed between twelve o’clock and one o’clock, as the assignation was made for twelve o’clock, was it not?—Yes.

Superintendent GEORGE SIDNEY STAUNTON, examined by the Hon. JOHN DE GREY—On Monday, 2nd June, I went to Smyth’s works at Peasenhall and saw Gardiner. I showed him the anonymous letter, marked “ A,” and asked him if it was in his handwriting. He said: “ It is not my writing. I did not write it.” He showed me, at my request, some of his writing in a book. I showed him words in the book and words in the letter “ A,” and he said: “ There is a similarity, but it is not my writing.” I showed him the letter marked “ D,” and he did not say anything. I pointed out the similarity of two words in that letter and the letter “ A.” I am not certain that he said anything. It might have been on that occasion he said: “ There is a similarity, but it

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Superintendent Staunton

is not my writing." I showed him two envelopes, saying, "Those are like envelopes you use at the works." He said: "I don't use them." I asked him as regarded his movements on the Saturday. He said: "At half-past two I drove Mr. Rickards to Kelsale. I got home about 9.30, had my supper, and stayed at the front door because of the storm. We went into Mrs. Dickenson's about eleven o'clock. I left Mrs. Dickenson's with my wife about half-past one, went to bed, and did not get up until half-past eight the next morning." He might have said—I think he said: "Go out until 8.30."

Have you ascertained in whose handwriting the indecent letters are?—A young man named Frederick Davis.

Whose son is he?—He is the son of Thomas Davis.

Where does he live?—Next door to Providence House, with his father.

When was the first interview you had with Mrs. Gardiner?—Directly after I left Gardiner. It would be about a quarter-past one on the Monday.

Who went with you?—Nunn and Inspector Berry.

What was the conversation you had with Mrs. Gardiner on the first occasion?—The accused was not present.

Please answer the question?—I asked Mrs. Gardiner first to tell me where her husband was from the time he left work on Saturday until after eight o'clock on the Sunday morning. I did not take down what she said; but the effect of what she told me was to cause me to believe—

No, say what was the substance of it?—I believe her story agreed with the accused's with this exception, that accused said: "We went in together," while his wife said: "I went in first, and he came shortly after."

To Mrs. Dickenson's, you mean?—Yes.

When did you next have an interview with Mrs. Gardiner?—After I heard of a label on a bottle. It was probably about four o'clock on that afternoon.

Evidence for Prosecution.

Superintendent Staunton

Who was with you then? Did you go to her house again?—I think Nunn did.

What conversation did you have with her on that occasion?—I asked her to give me a bottle which contained medicine for her sister, supplied by Dr Lay about Easter, a bottle having on the label “Mrs Gardiner’s sister.” She looked, and said she could not find it. Then she said: “I offered to give Rose Harsent some camphorated oil, and I may have put it in that bottle; I am not sure whether she took it away.”

Cross-examined by Mr. WILD—Whatever you have questioned she has answered?—Yes.

You used the word “together” when you gave the evidence just now as to accused’s statement. You said: “We went into Mrs. Dickenson’s together”?—I emphasised “we.”

You swear he used the word “together”?—(Witness hesitated.)

Are you prepared to pledge your oath that he used the word “together”?—No.

Did you say at the first interview you had with Mrs. Gardiner: “Of course, you are aware there has been a scandal about your husband and this murdered young woman,” and did she not say: “Yes, sir; but I know that it is false”?—I do not think she said that.

Do you deny it?—I deny it.

You took no notes of this interview?—No.

Is not this rather irregular?—Probably in some cases, yes. But it was not thought to be a murder case then. If I had thought it was murder I should have questioned Gardiner or the wife. At that moment I believed it was suicide. When I saw Mrs. Gardiner the first time, I supposed it was suicide, but when I saw her the second time my opinion was changing.

Do you still think it right to question the wife of a man

William Gardiner.

Superintendent Staunton

whose husband you had, I believe, temporarily, in custody?—Well, he was sitting in his office at my request.

With two policemen to look after him?—Yes.

Was he present at this bottle interview?—I do not think he was.

I suggest to you that when you went to talk about the bottle accused was present?—I do not remember his being present at that interview.

You knew that Dr. Lay had prescribed for Mrs. Gardiner's sister and children?—I did not know that then.

Did you put it to her that her sister had a bottle from Dr. Lay?—Yes, I went to see the sister.

The question came up as to whether Rose Harsent had had a bottle from Mrs. Gardiner?—Yes.

Mrs. Gardiner volunteered the information that Rose had a bad cold, and she had prescribed camphorated oil, and that she should rub her chest?—Yes.

Did she say she had put some camphorated oil from her bottle into another?—No; she seemed very hazy about it.

You seem a little hazy about these matters, don't you?—Well, it is rather a long time ago.

The police visits went on, I believe, until the matter was put into the hands of Mr. Leighton, and then they ceased. One other thing I think you have made a mistake in, and that is with regard to the letter "D"?—He admitted that "D" was in his handwriting.

He admitted that "C" and "D"—the letters found in the girl's box—were in his handwriting?—Yes.

"A" and "B"—the disputed documents—he denied?—Yes.

You asked him to give you some writing of his own?—Yes. He showed me a book.

Then did you ask him about the envelopes?—Yes.

Did he say: "Yes, these are the envelopes used at the works, but I don't use them"?—Yes.

Evidence for Prosecution.

Superintendent Staunton

You first gave your evidence before the magistrates on 19th June, and you had then not ascertained who wrote the filthy letters?—No.

Had you been making inquiries?—Yes.

Did you say: “ I have asked the schoolmaster, and he could not tell me ”?—Yes.

But on the 30th June you had ascertained?—Yes.

Have you made other inquiries about this matter—
inquiries at the Triple Plea public-house?—Yes. (To
Mr. Justice Lawrence) My lord, shall I tell you what
was alleged? (His lordship did not reply.)

Cross-examination continued—How far is the Triple
Plea from Peasenhall?—About 8 miles.

Have you ascertained that a tramp came there on the
Sunday morning, having travelled from Peasenhall?—I
do not think he was a tramp. He had some breakfast there.

Have you found out who he was?—No.

He came to the Triple Plea and asked for some break-
fast, having walked from Peasenhall?—He said he had.

Have you also seen an anonymous confession of this
murder?—I have seen three.

Have you seen one sent to the *East Anglian Daily
Times*?—

Mr. DICKENS—I object.

Mr. WILD—I shall submit this letter. I do not know
any more about it than my friend, but I shall submit it
for what it is worth. And I shall submit that it has
some resemblance to the handwriting in the disputed
letter. I shall put it to the experts, and I think it only
right to give the policeman this opportunity.

Mr. JUSTICE LAWRENCE—You can put all three con-
fessions in, if you like.

Mr. WILD—I am searching about to find out if there
is anything in it or not. One of the three “confessions”
was sent to Police Constable Nunn, one was “found,”
and the other was sent to the *East Anglian Daily Times*.

William Gardiner.

Superintendent Staunton

Cross-examination continued—I am asking about that sent to the *East Anglian Daily Times*. Was that shown to you by the people responsible for that journal?—Yes. I got photographs of them on the 16th January.

Have you made inquiries into the statements?—Yes.

Do you find there was such a man as the one described in the letter?—Will you put it a little more plainly?

Mr. DICKENS—It is the letter marked “A” that I am talking about—the disputed letter from which a man, if he chose, might copy.

Mr. JUSTICE LAWRENCE (to Mr. Dickens)—If you wring this confession from me, I quite agree that the letter is strictly inadmissible; but under all the circumstances, I think it might be done. Of course you might get a letter out of the gutter, or from anywhere.

Mr. WILD—But if I could establish it by any similarity?

Mr. DICKENS—If Mr. Denman reads it, will he please read the misspellings right through?

Mr. DENMAN—The envelope is addressed, “P.S., Editor, *East Anglian Daily Times*.” “P.S.” is down at the bottom of it, and the postmark is “Burton-on-Trent, 6.30 a.m., December 31.”

The Clerk of Arraigns then read the letter, which was in the following terms:—

“ From My darling Rose Ann Harsent deveoted true lover but she has deceived me God only no both with Gardiner and Davis God only knows as davis was the farther off her child as my own darling rose told me the night before i comitted this horrowble murder but i hope she is at rest bless her but i feel i cannot rest night nor day as she is haunting me every night and every minute but God is the farther of them both now and i shall sertingly swing for that—davice for deceiving me as i no she was not so by me and now i must confess as G is not the murder of my darling rose as

Evidence for Prosecution.

Superintendent Staunton

i am bad i am not a superer nor a counter jumper, but i am a malster chap, and have a mother to keep but sir i must confess as i am to sharp for you all you are all delerible liers (query, deliberate liars) about G. wiring (wearing?) barred glossours—they was my maiting shoes with barres across, and i must confess that I filled both shoes full of stones, so they was all blood and tied a trick and but (put?) them in the water, so as no traces could you get on them, and i must confess that i had them on and went from Peasenhall in my old maited shoes Crisp house so as you would think G. had done it, but he is as incionent as Mr. Justice Grantham i am laughing in my sleves to think you cannot fined me there is to of us who was there and B. was watching while I did it my darling Rose Gave me 5£ for a last token i am sorrow for for poor Dad now as for old woman Crisp she is nothing but a nasty ——
liar and that is swering to say that she came down staires at 12 o'clock. She did not as i was in the house at that time and i did rite the letter to my pet lamb to tell her to put the light in the window for me as it was not the first time i had been there at that time as i can go so far as to say i have had my darling in my arms . . . and was on the sofer the night i did the murder but i can swer as rose told me she had been unfaithful to me with D. and if a man can stand that tell me all through we was on the rug to Gether befor i killed her and as for the medcesin bottle rose Gave me some whiskey in it the night before and I took the parafin in it from my own home at Sufflock And you must fined out the rest as i have been had malting to day and i cannot send you my name but shall committe sueside before long when we come back we shall Put old Crisp and his old woman through the mill worse than my rose and as for her saying she heard a noise she did not as i filled her mouth full off my mufflur as i did in a cool blood, not hot as I know she would be deceiving me this season while i

William Gardiner.

Superintendent Staunton

was away like last, but it was Harsent that said my only love had been unfaithful to me by going with Gardiner and now i must confess that no one will act imorall with her again as . . . before I killed her and Gr must thank God they was not sreved (served?) but they will do even my troues and shirt was drowned with brick end in side them, but shall not say were fined out, i have to take lodmun to inset (induce?) sleep as i cannot rest without my own darling pet had i not have took all my letters out of rose box i should be where G is, and had the rope now but go on let G have it, or else D he is the corse of this, he is been the ruin of my young life, and now i must conclude by saying it will be a good job done with. from H.B. the murder of my own darling lover i could not think of her having . . . by that — Davis i shall put a bullet straight through them as i shall be coming back in six months. now i am a murderer."

Cross-examination continued—Did you get a list of the names of the men working at the brewery at Burton, who came from Peasenhall?—Inquiries were made at Burton, and it was found that the only maltster with a mother to keep was a man named Albert Goodchild, living at Badingham. I wrote to the police at Burton, and they sent me an envelope, written by him. The writing on the envelope did not seem to be like that in the anonymous letter.

Have you ascertained whether Goodchild was in Peasenhall on the night of the murder?—I have not ascertained. He left Wickham Market and got to Framlingham, and then reached Badingham at seven o'clock. He might have got to Peasenhall afterwards.

Did you realise it was obviously disguised writing?—No, I do not think so.

Don't you see the writing gets to be smaller?—It gets smaller; it is written by a man who does not write very

Evidence for Prosecution.

Superintendent Staunton

much ; there are characteristics all through, showing it is not disguised.

He says in this letter : " I wrote the other letter " ?— He makes some small " i's," whilst in the other letter there are capitals.

Have you noticed on the fifth line he spells Davis in the ordinary way, and then on the 16th line he spells it with a small " d "—" davice." Is that a sign of disguise?—That shows he is illiterate.

Where is Goodchild now?—He is at Burton-on-Trent.

Did you also find out he came home with Harsent, the deceased girl's brother?—Yes, he came with him as far as Wickham Market. Harsent went on to Darsham for Peasenhall.

He is not the boy called, is he?—No, he is older.

Is he a maltster?—He is not now.

He was at the time the murder was committed?—Yes.

He came home from Burton on the night of the murder, with Goodchild?—Yes.

With regard to the shoes, have you any malting shoes here?—No, I have a description of them, and they had no bars across them.

You have not troubled to get Goodchild or the malting shoes?—No.

Mr. JUSTICE LAWRANCE—He could not pursue everything ; he would be very foolish if he did. You are speaking as if he was wanting in his duty. He would be wanting in his duty if he had followed up these suggestions in this anonymous letter.

Re-examined by Mr. DICKENS—Did you find out Goodchild's movements at the time the letter marked " A " was posted?—Yes ; when the letter " A " was posted he was in the train returning from Burton-on-Trent.

Could Goodchild have posted the letter at Peasenhall?—No.

Now another thing I want to ask you, was there such

William Gardiner.

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a thing as a sofa in the kitchen or girl's bedroom?—I never saw one.

In the letter it says: "I was with her on the sofa on the night of the murder," and he says: "My shoes was all blood." Did you see any traces or footprints in blood?—There were no traces.

Have you in fact found that the maltster did not have barred shoes?—Yes.

Were they plain, leather-soled shoes?—Yes.

When did you first get this letter?—I first got the photograph of the letter on 16th January of this year. I had been trying to get the anonymous letter. The *East Anglian Daily Times* said they had not got it. Mr. Leighton spoke about it in the passage here. After he left I went to the *East Anglian Daily Times*, and they said they had it. On the 10th of December I asked Mr. Leighton for it, and he said he had consulted Mr. Wild, who had advised him to send it to the Treasury. On the 14th January he had a handwriting copy, which was practically useless except for words. He ultimately received it on the 16th January—less than a week ago.

Up to what time did you trace Goodchild's movements?—Up to the time he got home on the night of 31st May.

By Mr. JUSTICE LAWRENCE—Where is Badingham?—It touches Peasenhall. The village part is 2 or 3 miles away from the village part of Peasenhall. It is west of Peasenhall.

Re-examination continued—Have you seen a reproduction, a facsimile, of the letter marked "A" in one of the public papers?—Yes.

Not a mere print, but a reproduction of it?—Yes.

Mr. DICKENS (to his lordship)—It is a very improper thing, my lord.

Mr. WILD—I have had nothing to do with it or my clients.

Mr. DICKENS—I do not suggest you had. (To witness) I understand you to say there were two other anonymous

Evidence for Prosecution.

Superintendent Staunton

letters?—Yes. One was on the leaf of a pocket-book, found in Devonshire by the police, and the other was a letter sent from London to Constable Nunn at Peasenhall.

The witness then produced the letter on the leaf of the pocket-book, which was read by the Clerk of Arraigns. It ran as follows:—

“ Dear wife,—Can you see me at Stone Challenger to-night. I find the police has got Gardiner, who is said to have killed the servant. It was me. Excuse me for breaking secrets of that sort. Please not tell anyone of the crime.—I am your loving husband.”

Re-examination continued—The third letter came from London?—Yes.

This also was produced and read by the Clerk of Arraigns. The third stated:—

“ I cannot keep silent any longer; my thoughts are all of that terrible night. When I visited the one I love I cursed the day when first I knew the way many men would visit Rose Harsent. . . . Oh, that terrible night. I was desperate. Rose so would have screamed. What did I do. Where did the knife come from. I was sorry afterwards I put Rose’s nightdress over her head to stop the blood. I lifted her up, but she fell. I got the lamp to see if she was dead. Down went the lamp, but I put the flame out. I walked out of Providence House down the street on the pavement, and then into the road. My rubber shoes that Rose admired so is worn out, like myself. I cannot rest. No peace. I cannot work now, my mind is only of Rose. Oh . . . Brother Gardiner, I never thought you would be charged with the murder of Rose Harsent. Rose said you were her best friend. No beastly talk from you. Must I give myself up to the law? I cannot. My beard is grown like Brother Gardiner’s. I must wander on the sea. . . . Oh, Rose, I shall see you before God. Good-bye, I can walk to the sea. Good-bye, I cannot write.”

William Gardiner.

Superintendent Staunton

Re-examination continued—The envelope had the London postmark, and was posted on 18th November, 1902, at 9.15.

Dr. JOHN CHARLES RYDER RICHARDSON, examined by the Hon. JOHN DE GREY—I am a medical practitioner, and on 3rd June I made a post-mortem examination of the body of the deceased, Dr. Lay also being present. I saw the wounds in her throat. There was one extending from underneath the angle of the right jaw, right across to the left angle, which completely severed the windpipe. From under the right angle of the jaw, and from under the commencement of this wound was another wound running upwards from underneath the chin. Besides this, above the junction of the angular bone and the breast-bone was a punctured upward wound which communicated with the big wound across the throat. Either of the two incised wounds would have been fatal.

Look at this knife (accused's). Were the wounds such as would have been caused by that knife?—Yes.

With regard to the punctured wound extending upwards, must that have been caused by some instrument having a sharp point and blade?—Yes.

Such as this knife?—Yes.

Could the wounds have been self-inflicted?—They could not have been. There was a bruise on the right cheek, and also a small superficial cut. There were numerous semi-circular cuts about her hands, most of which were caused by upward blows such as in warding off blows.

Did you notice any marks of burning on the body?—A considerable amount of charring.

Where?—Chiefly on the right side under both flanks, extending as the body lay upwards on to the abdomen.

Can you form any opinion as to whether the body was burned before or after death?—After death, I should say.

Evidence for Prosecution.

Dr Richardson

What was the cause of death?—The cuts in the throat and the haemorrhage.

Cross-examined by Mr. Wild—If the wound straight across the throat had been caused first, the power of screaming would most certainly have been gone.

Did you see any blood on the floor?—It had been cleaned up when I was there.

Was the body in a healthy condition?—Yes.

And the girl was strong?—I should say so.

Who was at the post-mortem?—Mr. Lay, Mr. Chaston, Mr. Staunton—

And the reporter?—There was another one, but I had my work to look to; I looked to Mr. Chaston as being the man in charge.

Dr. CHARLES EDWARD LAY, examined by the Hon. JOHN DE GREY—I am a surgeon, practising at Peasenhall. On Sunday morning, 1st June, I went to Providence House and made a superficial examination of the body of Rose Ann Harsent. The body was almost cold, and rigor mortis had practically set in, but not in the lower extremities.

Can you form any opinion as to how long death had taken place?—Roughly, four hours at least.

With regard to rigor mortis is it uncertain what time it sets in after death?—It is most uncertain.

How long have you known it to be delayed?—I believe it has been delayed as much as twelve hours.

Did you notice a good deal of blood?—Yes.

Where was that?—Almost on the left-hand side of the body.

Did you see any paraffin?—I saw what I believed to be paraffin on the chimney of the lamp and on the broken pieces of bottle.

Did you collect them?—I only took one piece on which I saw a label. I took it off. It is that now produced.

William Gardiner.

Dr Lay

Is part of that label in your writing?—Yes.

What is in your writing?—The “two and three tea-spoonfuls” and “for Mrs. Gardiner’s chdn.”

Did you supply that bottle to accused or his wife?—Undoubtedly.

To whom?—Mrs. Gardiner.

When?—The latter end of March.

Cross-examined by Mr. Wild—Assuming the directions on the bottle were carried out, it would not take long to consume the bottle?—There are forty-eight tea-spoonfuls.

So it would be finished in two or three days. Did you also supply a bottle of medicine to Mrs. Gardiner’s sister?—I did.

Was the staircase smeared with blood part of the way?—There were two places on the stairs, I believe.

Which way do you think the blood went?—I could not say.

Did you say on the 3rd of July before the magistrates, that the body was cold when you examined it?—I believe I said so.

Is that correct?—It was cold, but it was not absolutely.

Speaking as a medical man, you said before the magistrates that the body was cold?—Yes; I do not deny that.

Is not it very difficult for you to form a definite judgment as to how long the dead girl had been dead?—Yes.

The most you will say, it could not have been less than four hours?—Yes.

But it might have been more?—Yes.

Might it have been seven or eight hours?—It might have been.

You say rigor mortis, which is the rigidity of death, was not complete?—It was complete.

Can you not form any opinion as to how long the rigor mortis had commenced?—I could not form a definite opinion.

Evidence for Prosecution.

Dr Lay

It would be some considerable time?—In all probability it had been some time.

It could have been two hours?—Yes; it could not have been less.

Does not it usually commence five or six hours after death?—There have been cases where it has commenced immediately after.

I quite agree there have been exceptional cases on the battlefield, but is the normal time from five to six hours? —I do not think there is a normal time where there is such a variation.

It is impossible for you to say whether the girl had been dead four or eight hours?—It is impossible to say positively.

By Mr. JUSTICE LAWRENCE—Can you tell at all whether the deceased girl received her wounds while standing? Was there anything on the throat to show? —There was nothing to show whether it was done in a standing position.

Mr. DICKENS—I am told that Dr. Richardson will give his view about that.

Mr. JUSTICE LAWRENCE—It is a suggestion from one of the jurors.

Dr. RICHARDSON (recalled), examined by Mr. DICKENS —The wound right across the throat must have been done when she was lying down. The stab or oblique wound might have been done when she was standing up.

By Mr. WILD—Which wound spurted, do you think, up the stairs?—There would be a considerable amount of haemorrhage from both these wounds, and, of course, you would get most haemorrhage from the biggest wound.

By Mr. DICKENS—There must have been a good deal of force used in regard to the oblique wound?—There must have been force, and that would probably have caused her to reel backwards.

The other wound, you think, was caused when she was lying down?—Yes.

William Gardiner.

Dr Richardson

Can you say he was facing the woman?—I should say he was on the right-hand side.

Dr. STEVENSON, D.M., F.R.C.S., Senior Official Analyst at the Home Office, examined by the Hon. JOHN DE GREY—On 9th June I received from Superintendent Staunton a number of articles which I examined and analysed. There was a grey coat, a grey waistcoat, a pair of cloth trousers, a cotton shirt, undervest, a pair of canvas shoes, a table knife, a purse with a sovereign in it, a double-bladed clasp knife, a mackintosh, blue coat and waistcoat, carpet slippers, boots, and broken glass bottle in paper. On the grey coat, grey waistcoat, and pair of cloth trousers, I did not discover any stain of blood or paraffin. The same applies to the cotton shirt. It was, however, stained in other ways (describing). There was no blood on the undervest. On all the other articles there was no stain of blood or paraffin, with the exception of the knife, which I noticed had been recently scraped inside, and that the two blades had been recently polished. It was a little oily, and had evidently been freshly cleaned and sharpened. It had been scraped inside the haft. On examining the interior of the handle and between the metal and bone of the handle I found a minute quantity of mammalian blood. I should say the blood inside had not been more than a month there. With regard to another portion, I could not say what age that was, probably not a very long time either. I found the bottle in many pieces quite crushed, but the neck of the bottle was not broken when I had it. The cork was very low indeed—three-sixteenths of an inch out of the neck. I could not get the cork out with my fingers. With regard to the pieces of bottle, they were stained with blood and paraffin, the blood being like human blood. The bottle had contained paraffin, and some blood had flowed on to it. The broken edges were clean, and probably had been fractured by heat,

Evidence for Prosecution.

Dr Stevenson

and some of the jagged fragments had from the mode in which they split. The whole bottle might have been shattered by heat. I also saw bits of a half-burned wooden match, and a very small piece of woollen cloth. That was also stained with blood and paraffin. The cloth did not agree in colour or texture with the clothes, and I carefully searched the latter, and found no piece absent such as that piece.

Cross-examined by Mr. WILD—What is the normal period before rigor mortis commences?—I should put it on an average in this climate about five hours.

Is there any normal period in which the body would cool?—It varies a great deal according to the exposure of the body, whether clothed or unclothed, on a stone floor, or exposed to wind. It is very variable.

Very difficult to tell? I think you put the normal period, in your book, at eight to twelve hours?—Quite that in summer.

It would take longer in summer than winter?—Yes.

It would take longer in the case of a well-nourished body?—I do not think it would make much difference.

Do you think pregnancy makes any difference?—I do not know. I rarely have the opportunity of observing.

With regard to this blood, mammalian blood can be the blood of a human being or the blood of a rat?—Yes.

It is difficult with a small portion of blood such as you take to judge of its age, within a week or two?—It is difficult.

It would become quite conjectural?—I would not put it outside a month.

You would not stake your professional reputation that it was not six weeks?—Oh, no.

With regard to this little piece of cloth (produced), I think you said it had the appearance of having been torn or hooked off?—Yes, as if it had caught on a nail.

And you looked very carefully amongst accused's

William Gardiner.

Dr Stevenson

clothes, and found nothing to correspond with it?—There was nothing.

Where did you find that little piece of stuff?—It had dropped out of the paper containing the glass, which was in a small box. I did not find it during my first examination, but a day or two after, when it turned out amongst the debris of the bottle.

FREDERICK JAMES DAVIS, examined by Mr. DICKENS—I am at present out of employment, and have returned to Peasenhall. My father's house, where I was living when Rose Harsent was killed, was next door to Providence House. I wrote the letters (produced), and gave them to Rose Harsent by hand. She asked me to give them to her. I was assistant to a grocer and draper, and used to call at Mr. Crisp's house two or three times a week for orders. When I called for orders, I gave her these letters.

I hope you are heartily ashamed of them?—I am.

Did you ever have any immoral intercourse with her?—No.

Did you ever walk out with her?—Never.

On the night she was killed, did you sleep in the same room with your brothers?—Yes.

And you had to pass through your father's room to get to your own bedroom?—Yes.

Cross-examined by Mr. WILD—When did the policeman first come to you about this case?—A day or two after, I expect—it might have been a week or a month after the murder.

You did not give evidence until last Assizes?—No.

In the meantime you had left Peasenhall and gone to St. Paul's Churchyard. And now you have left there and returned to Peasenhall?—Yes.

When did you leave Peasenhall?—On 6th September.

Your house and that in which Rose Harsent was adjoin each other, and are built under one roof?—Yes.

Evidence for Prosecution.

Frederick Davis

You used to use the back entrance?—No; only on Sunday, or when I called on business

When you went there on business you delivered the filth to the girl?—Yes.

Have you got india-rubber shoes?—Yes.

When did you buy them?—When I was in London, during November last. I have not worn them yet.

I suggest that you always did wear them?—No, I never did. I used to wear cycling shoes.

Your feet were bad, were they not?—Yes.

To get out of your bedroom you had to get through your father's room. Who sleeps there?—Father and mother.

Who sleeps in your room?—My brother.

What time did you go to bed on the 31st May?—About half-past ten. I had been at work until nearly ten.

Is there a window in your room?—Yes.

How long had you known Rose Harsent before the murder?—A year or two, I expect. It might be two or three.

How long had you known her before you commenced to write to her in this way?—I could not say exactly.

Was the first thing you wrote to her the letter beginning “ My innermost yearnings have made me write,” &c.?—I could not say.

How did you come to write to her first?—Well, she asked me to.

Asked you to?—Yes, asked me to.

Asked you to write out these indecent poems? How did she know of them?—I do not know.

I want to know how this filth came to be mentioned between you two people?—She asked me.

Did she ask you to write that letter commencing “ My innermost yearnings ”?—I wrote that in a sort of flirting spirit.

Do you tell these gentlemen that is a flirting spirit?—Yes, mere sport.

William Gardiner.

Frederick Davis

Is that your idea of sport?—Yes.

I think you told me last time that these letters were written in September, 1901?—About that time.

I suggest to you that this letter was the first of the things you wrote to her?—I could not swear to that.

When did you write her the last of these things?—I do not know.

How long before her death?—Some time in September, 1901. It might have been before, but it was not after.

Do you tell us you wrote all those verses?—Yes.

Do you know these verses get more and more filthy as they go on?—Yes.

Do you realise that they are as filthy as anything that can be produced?—I do, and I am heartily ashamed of them. She asked me for them.

Do you mean that having no familiarity with the girl, she asked you for them?—She did.

Were not you shocked when she asked you?—No.

Were not you shocked that girls should want such filth?—There are worse girls at the present day.

Is that your parody of the Scripture . . .?—That is what I wrote, I am sorry to say.

Are you the author of that?—I am. I wrote that after I wrote the poems, and she rejected it.

Did you write: “Read Proverbs chap. —, v. —”?—Yes.

Who made that up?—It was not made up at all—it was there.

Then did you give her a medical book?—I lent her the book; she asked me for it.

When was that?—I do not know.

Will you swear it was not in December?—I won’t; I will swear it was not later. There were some useful recipes in it.

What do you mean?—It told how to cure chilblained feet and sweaty feet. She knew another fellow had it.

Did you ever walk out with this girl?—Never.

Evidence for Prosecution.

Frederick Davis

Did you walk home with her from the watchnight service at Sibton Chapel?—No.

Who were the lads you copied out these verses from?—All the lads in Peasenhall knew them.

What? Do all lads in Peasenhall talk about these things?—I suppose so, like in other villages.

Have you talked so to Wright and Skinner?—I do not think so.

Do you tell us, having written these verses and letters to the girl, and giving her that book, that you are not the father of that unborn child?—I swear I am no more the father of that child than you are.

Mr. DICKENS—Davis's father is here, my lord, if he is required; but I presume, my friend, Mr. Wild, takes the same line as before, and does not suggest Davis had any part in the murder.

Mr. WILD—I know nothing about it.

Mr. DICKENS—You said in terms that you did not impute that in the slightest degree.

Mr. WILD—I should not be so wicked as to make any such suggestion.

Moses Dummer, examined by Mr. DICKENS—I was formerly warder at Ipswich Gaol, and am now at Reading Gaol. I produce letter written by the accused from the gaol to his wife, which reads as follows:—

“ My dear Georgie,—I am trying to write you a line, but God only knows how hard work it is, as I never thought it would be my lot to write from a place like this, as this is the last place I should have thought of ever coming to. It seems so mysterious, after trying to serve God all these years, that I should now be charged with this crime. But I will still try to trust God as long as He gives me breath. I could bear being here myself for a time if it was not for you and the dear little lambs at home. When I think of people looking upon you and them as a murderer's wife and

William Gardiner.

Moses Dummer

children my heart fails me. Try not to lose heart, and keep on pleading with God, and the answer shall come.

" Dear Georgie, I hope you will not go to any expense about me as I know you have not got enough to do it with. Mr. Smyth cannot forsake me now as I have been a faithful servant to him all these years. I trust they will find out how it was done, for to be like this is something awful, and I don't know anything now, if they have any further suspicion of any one. Kiss all the dear little lambs for me. Comfort them with the hope that I shall shortly be with them again, and don't neglect to pray, for my sake, for your sake, and the children's sake.—Your loving husband,

" WILLIAM GARDINER."

THOMAS HENRY GURRIN, examined by Mr. DICKENS—
I am an expert in handwriting, and carry on business at 58 Holborn Viaduct, London. I have been in active pursuit of the business for some seventeen years, and have dealt with many hundreds of cases. In the present case I have had a number of documents placed before me, amongst others the letter marked "A" (making the midnight appointment), with its envelope marked "B," which I have compared with the admitted letters marked "H" and "I," written by accused from Paris. I have extracted several words and letters from "A" and "B," and against them have placed similar words and letters taken from the admitted "H" and "I"; the result of my work has been photographed, and a number of copies have been handed to the jury for examination.

Have you made any selection of the words?—I have taken them consecutively.

Whether there are similarities or not?—Yes; I have placed both, like and unlike.

Mr. WILD—Does your lordship think this is a convenient way of giving evidence?

Evidence for Prosecution.

Thomas Gurrin

Mr. JUSTICE LAWRENCE—What way do you propose?

Mr. WILD—I think the documents themselves should be used for all purposes of comparison, and not a photograph prepared by Mr. Gurrin.

Mr. DICKENS—It would take six times as long.

Mr. JUSTICE LAWRENCE—Of course the photographs have been properly made.

Mr. DICKENS—At any time when any question arises about any word, we have not only got photographs of the originals, but the original letters themselves, so that we can always refer to any particular thing.

Examination continued—I cannot say that the letter “A” is in disguised handwriting, but I should say it is very carefully written.

In what way do you say it is carefully written?—It is written neatly and vertically, and the spacing is fairly uniform. The envelope, in the first place, appears to me to be undoubtedly in the same handwriting as the letter, but I should say the envelope is somewhat disguised.

Do you think that letter could have been written by an illiterate person?—No, not absolutely illiterate, certainly. In the letters marked “H” and “I” the writing is not so vertical. Portions of them are written vertically, but as a rule they are written on the slope. They are letters which do not show any great care in writing. They look as though they were written in the ordinary course of business—perhaps under some difficulties.

Do you think they are written with a different kind of pen?—Yes, a fine pen. The document “A” seems to be written with a broader nib, and apparently with a better kind of ink.

Do you notice a peculiarity in “A” that the writer in that uses capitals in the middle of a sentence—for instance, “place” with a capital “P,” “put” with a capital “P,” and “room” with a capital “R”?—Yes.

William Gardiner.

Thomas Gurin

Do you find that same peculiarity in letters "H" and "I"?—Yes, capital "P's" especially.

I want to direct your attention to the word "put," which appears once in the incriminating letter. Tell us your views with regard to the capital "P"?—The six "P's" I find in the letters marked "H" and "I" appear to me to be made on the same principle—the same style of "P" in the incriminating letter, although some of them are much more carelessly made, and much larger.

Take, for instance, one concrete instance: take the first capital "P" in "Peace of Peace." What do you say to that?—It strongly resembles the "P" in "Put" in the incriminating letter.

You have taken a good many capital "I's." In the incriminating letter you have taken two capital "I's," and taken a good many in the admitted handwriting?—Fourteen, I think.

In regard to the letters "I," although the "I's" in the letter "A" are short, they are made in two pieces?—Each of the fourteen "I's" I find in "H" and "I" are made in the same way as in the letter "A." In the word "you" I find the "ou" in the different letters correspond, but there is not much resemblance in the letter "y." (The witness went on to indicate strong resemblance in numerous other words he had selected from the different letters.)

Let us deal carefully with the word "take." Tell us with regard to that. You have taken "make," "takes," and "like": why have you taken those three different words?—Because they show instances of the letter "k." The letter "k" is peculiar in its formation. There is the up and down stroke, and there the pen is raised. There is a distinct space before the second portion is made.

Do you find that peculiarity in all specimens?—Yes.

[Photographs of the letters of accused were handed to the jury.]

Evidence for Prosecution.

Thomas Gurria

Examination continued—The capital “P’s” in the proved letter of accused are similar to the “P’s” in the disputed letter, but are not exactly alike. There is a very strong resemblance between the whole word “Saxmundham” written on the envelope “B” and the same word in the letter by accused written from gaol.

In regard to these disputed documents, what is your opinion as to whether they are written by the same hand?—Am I bound to express my opinion?

Certainly?—

Mr. DICKENS (addressing his lordship)—I think it was Lord Russell, or some learned judge, who said the expert was here to point out similarities, and not give opinions. I asked Mr. Justice Grantham on the last occasion, and he said he thought an opinion ought to be given.

Mr. JUSTICE LAWRENCE—He may, subject to such remarks as I shall make upon evidence of this kind. I shall explain to the jury after for their assistance.

WITNESS—To the best of my belief these documents that I have been comparing were all written by the same hand.

Examination continued—I must ask you a question or two with regard to this anonymous letter which has been put in; I think it has been put before you?—Yes.

Have you carefully looked it through: it is a four-page letter?—Yes, I have examined it carefully.

Does it resemble the writing in letter “A” or not?—Certainly not.

In your judgment, do you think it was written by an illiterate person?—Very, very illiterate.

Do you think, from a careful examination, that that bad spelling is merely the result of ignorance or the assumption of it?—I think it is unavoidable ignorance.

Do you find, except in that one word supposed to be “laudanum” and in the word “murder,” any existence of capital letters in the middle of a sentence?—

William Gardiner.

Thomas Currin

The word "gay" occurs twice, I think, in the letter, and the "g" there might certainly be taken for a capital "G." With these exceptions there is rather an absence of improper use of capitals in this letter. The personal pronoun, instead of being written by the capital, as it always is in letter "A," is written with a small "i."

Does that occur right through?—Right through invariably. In letter "A" the phrase "put a light in your window" occurred; but in the new anonymous letter "put" was spelt "but." There were no capital "P's" in the letter of confession, and the peculiarity in regard to the "k's" in letter "A"—in which bits of the "k's" did not join on to the upstroke—did not appear. The "k's" were different all the way through.

Cross-examined by Mr. WILD—I want to ask you as to this anonymous letter, compared with "A" and "B." I want the jury to take the original letter "A" and the envelope "B," and also what I will call the confessional letter. I suggest to you in the first place that this letter is in a carefully disguised handwriting?—I do not think so. I do not think there is any indication of disguise.

I suggest to you that this person was purposely trying to appear illiterate?—I do not think so.

May I give you an illustration? You see in line 1, "From my darling Rose"—there is a capital "R." Then further on you find in line 72, at the bottom of page 3, he spells Rose with a small "r"?—Yes.

Take another illustration—line 5 on page 1. Here the word Davis is written with a capital "D" and is spelt correctly. If you come down to line 16 towards the bottom, you find Davis is spelt with a small "d" and written "davice." Does not that indicate a man who is purposely trying to assume illiteracy?—It has not occurred to me in that way.

Evidence for Prosecution.

Thomas Gurrin

Do you see any reason why a man should begin by spelling Davis properly, with a capital "D" and then suddenly alter his spelling?—I do not know. I cannot give any reason.

Another point. The writing begins in one style, and gradually gets down to a more natural style. You see an alteration in the style of the letter?—I don't see any alteration in the style, but in the size.

There is a good deal of difference in the appearance of page 1 and page 4?—Yes.

Look at line 26 on page 2. The first word of the fourth line is spelt "confess." If you go down five lines further you see it again spelt "confess," and then five lines lower he has forgotten to pretend, and spells it "confess"?—Yes, it is spelt correctly in the third instance.

Is not that word "confess" comparatively well written?—Possibly.

Better written than most of the letter?—It may be.

Do you notice on the last line but six on the third page that the writer has put "b"—"but"—and altered it into "put." Can you account for that?—I cannot account for every absurdity of spelling.

My friend has elicited the fact that a facsimile copy of this disputed or incriminating letter appeared in the public press?—I never heard that.

Do you think it likely—assuming that the man who wrote this wrote the letter "A"—do you think it likely that he would not try to write in a different hand?—I thought there was a suggestion of trying to establish his identity.

His identity! The man is trying, I suggest, to ease his conscience without giving away too much. Now take the word "Harsent" in letter "A" and in the "confession." I suggest to you that with the exception of the capital "H" there is a considerable resemblance between the other letters?—Oh, no. First of all the

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Thomas Gurrin

final "t" is quite different. Then the "a" is not the characteristic "a" of the letter. The "n's" are also different.

Now take the word "window" in the letter known as "A" and then look at line 53—the sixth line on the third page of the "confession." I put it to you that there is a strong general resemblance between these words in the two letters?—Well, I cannot see it (pointing out the differences in outline).

Now compare the "w" in letter "A" with the "w" in line 77 of the "confession." You see the "w's" in "was" and in "now." I suggest to you that there is a strong similarity between these "w's" and the "w's" in the letter marked "A"?—Well, I have been all through these letters, and I think that with the exception of the "w" in "was," on the top line of page 4, the general characteristic of this anonymous writer is that the second portion of the "w" drops a little below the line. I do not see the slightest resemblance between the "d's" in letter "A" and those in the alleged "confession," with the exception of one "d." This one, I admit, is somewhat more of the kind of thing. First of all the "a" before the "l" is a loop "a" without any separation, and then goes on to the "l." In a large number of instances I have shown, in almost every case where the "l" comes before the "a," it is separated.

Take the word "come" on line 70, page 3 of the *East Anglian* letter, I suggest there is a strong resemblance to the word "come" in the letter "A"?—There is a poor resemblance, but if I analyse it the letters do not resemble one another.

I draw your particular attention to the word "have" on page 3, line 67. Compare that word "have" with the "have" in the letter "A": "Do not 'have' a light in your room"?—The final "e" does not correspond.

Evidence for Prosecution.

Thomas Gurria

Take the word "will" in the *East Anglian* letter, which is on the fourth page, and compare it with the word "will" on the eighth line in the letter "A": "I 'will' come round the back"?—Yes, they are very much alike. The difference between the two words is what I have already pointed out, namely, that the second part of the "w" in this drops a little.

Generally, I suggest to you, except at the very beginning, the writer of the *East Anglian* letter is accustomed to use the final abrupt "t" as the writer of the letter "A" does?—He does use a "t" that finishes abruptly sometimes.

He uses that habitually?—No, but there are instances of it.

Just as there are instances in the other letter?—Yes, as a rule it is carried down below the level of the other letters. In the matter of the "t" there is a resemblance sometimes.

Is that not sufficient to show the danger of this comparison?—No.

If you take two writings by admittedly different writers and take words out and make a table of them, is it not easy to point out a great number of similarities?—No. It would be possible to point to two or three resemblances, possibly four.

Have you ever seen the writings of admittedly different people to be almost identical in style, character, and everything?—I have about twice in my experience.

Writings by distinctly different people?—That would be more likely to be the case if the writers were educated in the same sort of way. They were members of the same family. The writings were remarkably alike.

I think you have given evidence for the Treasury for ten years?—I think that.

You are sometimes right and sometimes wrong?—I have been mistaken.

Did you say before the magistrates that the letter

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Thomas Gurrin

"A" was in your opinion not in a disguised handwriting, but that it was carefully written?—Yes.

You adhere to that view?—Yes.

Did you give the opinion that envelope "B" was in a disguised handwriting?—Yes.

One of your reasons that you gave at the last trial for not taking any illustration from the envelope "B" was because you thought it was in a disguised handwriting? —No. I do not think I said it.

I am in your recollection. I suggest you said you took no illustrations from the envelope "B" because the "A" letter afforded the fairer comparison?—I may have said that; it is possible that it is correct.

Did you say to me at the previous Assizes "H" and "I" were in inferior handwriting to "A" and "B" letters?—Yes, as regards quality and style. I am talking on general style.

You said "A" and "B" were superior in style?—Yes.

Did you tell me or not the spacings between the words were better?—Yes.

That the handwriting, generally speaking, was straighter?—Yes.

Did you also say, in regard to the peculiarity of the capital letters, that you had known capital letters to occur in wrong places with uneducated people?—Yes; many times.

And vice versa?—Yes.

The letter "A" and the envelope "B" are written with a broad-pointed pen?—Yes.

I suggest it would be more difficult for a man accustomed to write with an ordinary narrow-pointed pen to write with a broad-pointed pen?—No; if he always accustomed himself to writing with a narrow-pointed pen.

Do you suggest that the letters "H" and "I" showed signs of fluency?—I do not say there is any indication of any difficulty about the writing. It might

Evidence for Prosecution.

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have been written rapidly. In the letter accused refers to writing in an exhibition building, in which he would not have proper writing facilities. As regards the letter written from prison, it lacks fluency, and the spacing is not so good, nor is the alignment so good. The prison letter was shown to me at the last trial, and I did not make use of it for reasons I can give. The reason was this: the police brought me letters written in the ordinary course of business in 1901, in ink. They also brought me some pencil specimens which were indistinct. I said, with regard to the pencil specimens, that I would prefer to deal with the ink ones, as he had ample specimens. The letter to which you now refer was a letter which had been written from accused to the man's family, and I thought that, as I had plenty of other material written in the ordinary course of business, I would prefer to use material of that kind.

You thought it was not playing the game?—That was my idea.

You have been giving me probabilities as to whether a man was mad. Do you think it probable that a man like the accused, to whom this incriminating letter had been shown, would at once sit down and write a letter from prison?—

Mr. DICKENS—That is not a question for an expert.

WITNESS—I do not profess to give answers to psychological questions.

Cross-examination continued—Coming to the word "will," I submit there is the strongest difference between these final double "l's" and the double "l's" you have chosen?—I cannot see it.

In one case I submit the double "l's" in "A" are almost all the same length, whereas the tendency of accused's double "l's" is to make the second "l" shorter than the first?—This is precisely how the second "l" in "A" is. In the first you can hardly tell any difference. The difference in the "r" in the word "your" from the "r's" in the illustrations I have

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taken from the accused's writing I account for by the difference in the pens. I do not suggest there is any great similarity between the "f's." I account for further changes in the formation of the letters by the suggestion that the writer changed his pen from a vertical to a sloping position.

What I want to know is why should a man who is not disguising his hand alter the slope of his hand?—I am not always justified in saying I consider handwriting is disguised, even when it differs slightly from his ordinary handwriting. He was writing this letter, I say, carefully when he wrote it. I do not say with what motive.

That the only suggestion is possibly with a view of disguise?—That is not for me to say.

Re-examined by Mr. DICKENS—I find, both in letter "A" and in the admitted handwriting of accused, different "P's."

With regard to the "f's" in this big sheet, you did not suggest there was much similarity in the "f's"?—No.

But when you come to the "f's" in the letter of 6th June, what do you say to the "f's" there?—I think there is a strong likeness in the "f's" in the letter "A."

After the questions have been fairly put to you by my friend, have you in any way found occasion to alter your opinion that letter "A" was written by the accused?—No.

Further cross-examined by Mr. WILD—I suggest the spelling of the documents "H" and "I" is inaccurate in a number of particulars?—Yes.

While in document "A" there is no mistake in spelling?—No; but there is no mistake in another letter here.

Mr. JUSTICE LAWRENCE—I do not see that the spelling has anything to do with this witness.

(The Court adjourned.)

Opening Speech for the Defence.

Third Day—Friday, 23rd January, 1903.

At the opening of the proceedings, Mr. DICKENS said he wanted to prove a letter written from the prison by Gardiner.

JOHN SHEPPARD, a warder at the prison, said—On 29th October last year the accused wrote the letter produced.

Mr. DICKENS—I will only point out, with regard to some comments made by Mr. Wild in cross-examining, that the spacing here is similar to that in letter “A” (the incriminating letter).

Mr. WILD—Is this letter written to his solicitor?

JOHN SHEPPARD—I do not know who it is addressed to.

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Mr. WILD—May it please your lordship, gentlemen of the jury. Very early on the morning of the 1st June, 1902, Rose Harsent was apparently murdered by somebody. Upon the 3rd June, after having been in temporary custody on the previous day, William Gardiner was arrested on the charge of having committed that murder. And he has been in custody in prison from the 3rd June, 1902, to this day, a period of 234 days and nights. I do not mention that fact for the purpose mainly of commenting upon the barbarity of a system that can permit a man to await a trial in that way, but for this purpose. The man has been in custody all this time. What the strain upon his nerves must have been it is impossible for any human being to conceive, and I might well have asked you to allow me to excuse him from entering the witness-box a second time, because the strain must have been tremendous. Every day must seem a year to him. Gentlemen, I am not going to make such a request. At the accused's own wish, at the proper time, he will go into the witness-box, and will again

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face the ordeal of cross-examination from one of the ablest counsel at the Bar, and I only appeal to you on his behalf for merciful consideration, pointing out to you the terrible ordeal he has undergone. Gentlemen, he hopes and I hope now at length, after a period of eight months, that he may receive a fair trial in a Court of Justice. If the strain upon him was great, you can judge of it by the strain it must have been upon yourselves. I am fully aware of the terrible strain that must be inflicted upon a jury for having for a number of days to follow a case of this magnitude—a case which bristles with difficult points, a case which rests entirely upon what is called circumstantial evidence, than which there is nothing more dangerous, and in the name of which more judicial murders have been committed, perhaps, than in the name of any other.

I feel you have, and one cannot but thank you for it, followed this case with the very greatest care, and if one had wanted an illustration of that fact one had only to look at the care with which you followed not only the protracted examination of Mr. Gurrin, but the cross-examination as well. Therefore, realising the care you have bestowed upon this case, I shall feel it consistent with my duty not to inflict upon you any longer remarks than I feel bound to be necessary, but I shall simply indicate to you as temperately and fairly as I can these points which seem to the defence to bear upon the innocence of the accused; and I shall appeal to you not only to follow me patiently, but without interruption, and to amplify my defence, for, gentlemen, it is impossible for any one advocate to grasp, as it were, in a period of a speech all the points which arise. However, I feel I shall have your assistance in any point I accidentally omit. I shall deal with the main features of the case, and perhaps I may be permitted if I make one personal appeal. I don't wish to bring myself into this case, but I do ask you to extend even to me some

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measure of your consideration, because it is difficult for you to imagine the tremendous strain that weighs upon a counsel for the defence when he has to address himself to a case of this importance, more particularly when the fact remains that he had to do it absolutely for the second time. Having made these preliminary observations, it is my duty to point out to you certain facts, some of which have been elicited in evidence, and some of which will be elicited in the evidence I am about to call before you. I do not complain of the manner in which my friend has pressed points upon you, but I might perhaps suggest that he has assumed that quasi-judicial air which his opening did not altogether bear out. He has strained some points, no doubt unintentionally, against the accused. It is his duty, as it is my duty, to put the points from the other side of view. I think it will be best if I try, with your assistance, to follow this story from the first, and to follow it logically, without any attempt at rhetoric. The case naturally sub-divides itself under two heads.

There is the evidence adduced for the purpose of showing that Gardiner was the father of Rose Harsent's unborn child. That is what is called motive evidence. The prosecution rightly enough feel it is incumbent upon them, if possible, to show you that Gardiner had a motive for the murder, assuming it to have been committed. Accordingly, they bring forward this motive, the only motive they bring against him, that he was trying to remove the trace of his sin by getting rid of the girl. Consequently, there is the evidence that tends to prove, in view of the prosecution, that Gardiner actually committed the murder.

Gentlemen, I first of all address myself to the question of paternity, and I am entitled to say this: that until 1st May, 1901, no word can be breathed against the man I am defending. He is a man who has lived in Peasenhall for a great number of years. He is a man who has

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worked his way up from the ordinary working man until he became foreman of the fitters, and then outside manager: a man, perhaps, not too popular, owing to the fact that he is a teetotaller, and that he is a man professing religion. At all events, he has by steady work worked his way up in his religious community. We find him superintendent of the Sunday school, a leader of the choir, and he occupied other positions in the Sibton Primitive Methodist Chapel, and he had gained not only the confidence of his employers, but the respect of those who held similar religious convictions.

Gentlemen, it seems strange that if this man has consistently been proved to be a worthless fellow, at all events, until the 1st of May, 1901, no breath of suspicion was breathed against him. On that day the first attack was made upon his character, and by whom? Gentlemen, we have had from the witness Davis a sad insight into the morality of the youth of Peasenhall. You have had read to you filthy letters, so filthy that one did not feel justified in polluting the ears of people in a Court of Justice. You, however, have had the painful duty of reading them and seeing their character. But we are told by Davis that that is the sort of conversation that pervades the youth of Peasenhall, and of those two youths, Skinner and Wright by name, who were the first living souls to cast a slur upon the integrity of William Gardiner.

Upon that evening of the 1st May, Rose Harsent was going to chapel—you know the Doctor's Chapel—which it was her duty to clean for Mr. Crisp, who has not been called. He was the deacon of the chapel, and Rose Harsent, as his servant, had to clean the chapel. She went to the chapel, and the witness Wright saw Gardiner on the Rendham Road, a road which passes the gate of the chapel. Here is what I succeeded in eliciting. The witness Wright, assuming his story to be true, saw Gardiner before he entered the chapel on no



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fewer than three occasions. He saw him twice on the Rendham Road, and once against Providence House, and on each of these occasions Gardiner saw Wright. Wright wants you to believe that Gardiner, knowing Wright's eye was upon him, and knowing that Wright was loitering about as these louts will loiter about, deliberately went into the chapel and held the conversation and perpetrated the act which is alleged against him. Knowing Wright's eye was upon him, can you believe the story? He goes into the chapel, and with all these fellows about he shuts the door, so they say, and for a period which must have been considerable, because you remember Wright said Gardiner was left alone for twenty minutes—was inside the building with the girl. You can imagine, of course, that Wright thought there was something wrong, and when you believe there is something wrong it is very easy to think you know and hear what you expect to. Wright goes and fetches Skinner, and you can imagine him saying: "Here is Gardiner; he has gone into the chapel with Rose Harsent; here is a lark." So these two young men go to the Rendham Road and work their way to the chapel. They take up their stations behind the hurdle, outside the south-west window of the Doctor's Chapel. It was noticeable that Wright, when he gave his evidence before the magistrates, omitted a number of points that he subsequently supplied. But I do not place so much reliance upon that. What I do place reliance upon is proving that the story is concocted. You have got Wright there for the purpose of hearing indecency, and Wright hears, so he says, the rustling, and he believes that is an indication of something improper taking place. But here is an astounding fact—having heard that rustling, one would have thought he would have followed the whole thing up, as it appeared his business to. Wright, however, departs and leaves Skinner to hear the rest. The only excuse he gives, and that a

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lame one, was that he thought they were coming out. The real material portion of the story rests not upon Wright, but upon Skinner, and Skinner, as Mr. Dickens has said, tells you one of the most extraordinary stories ever heard in a Court of Justice.

[Counsel then proceeded to discuss in detail the Biblical quotations referred to by Skinner in his evidence.]

My friend says, is it likely that anybody would invent that story? Is it not more unlikely that the superintendent of the Sunday school and the girl in his choir, if they felt compelled to commit acts of gross indecency—is it likely they would choose the chapel, within 200 yards of the girl's house, with the louts loitering about? Is it likely they would conduct a conversation of the manner stated in such a voice and in such a place? Gentlemen, you are men of the world; I ask you to judge of this for yourselves. You are asked to believe that Gardiner went into the chapel and committed an act of indecency with Rose Harsent, and you are further asked to believe that these two young men, standing outside a casement window and some 8 or 9 feet from it, could hear and afterwards repeat without difficulty the substance of the conversation that passed between the accused and the dead girl.

It is improbable, if you like, that the story was invented; but it is ridiculous to suggest that Gardiner and Rose Harsent would have behaved in the manner described. After Wright and the young men of the place had talked about the scandal, it reached Gardiner's ears. He calls them into the office at the works, and Gardiner denies the truth of their statements, and when he suggests legal proceedings they say, if proceedings are taken, that they have only what they stand up in. Of course it would be perfectly idle to bring proceedings against men of that sort.

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Mr Wild

Well, then, what happens? If Gardiner had been guilty of that gross indecency, and knew that he was found out, what do you think he would have done? I suggest that what he would have done would be to endeavour to close those young men's mouths by bribery or in some such way as that. He was a man with a high position in the works; he was a man who could advance them. What he would have done would be at all costs to avoid being faced with this charge, if it were true. Wright won't go so far as Skinner. Skinner is the only one who is prepared to tell that astounding lie.

The next event is this, I think. We have got two letters written by Gardiner to Rose Harsent; you have heard those letters read, doubtless you will read them again—they are the letters numbered "C" and "D." I am not going to trouble you with reading letters more than I can help. They are absolutely proper letters; they are the letters of a religious and Christian man; they are the letters of an innocent man. Then what happens? On the 11th of May the Rev. Mr. Guy holds a chapel inquiry. Gardiner will tell you that he desired that inquiry to be held. Now, gentlemen, just consider the circumstances calmly and temperately. Here was a charge being brought against this man of the most dire nature, a charge, which, if true, would render him unfit, not only to hold the positions which he held in the workshop or in the church, but would render him unfit to consort with decent men and women. Very properly, with Mr. Guy in the chair, the members of the Sibton congregation met to discuss, to hold a preliminary investigation. It was no vain, no empty show. It lasted for about three hours. For that time they had the two men, Wright and Skinner, in the church, with William Gardiner, and the witnesses were questioned and cross-questioned. The matter was debated as a

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matter of that import had to be debated, because, although they may be Primitive Methodists, their church is as dear to these people as the church of any other person in this land.

What was the result? The result was this: that nothing was done; that Mr. Guy said he never made a report at all to the quarterly meeting. We know that there are no less than four further bodies before whom this man might have been brought. I will show by a number of witnesses I shall call that Mr. Guy's memory is defective in this matter, and that, so far from reporting, he said it was a trumped-up case, and a fabrication of lies. Whatever he said, the thing follows in logical sequence. It follows that the story was not believed. Mind you, it was not a mere matter, as it is to-day at this murder trial, that if there is a doubt a man is entitled to the benefit of it. The Sibton congregation was in a very difficult position. Here to-day you know very well this is not a case of proving innocence; if the Crown do not prove guilt, if there is a reasonable doubt of the guilt, if the case has not been proven to the mind of any one of you, you know very well the accused is entitled to be acquitted. But that was not the position here, because, mind you, you had got a man who had the guidance of youth, a man who was superintendent of the Sunday school, a man who was class leader, and so on; and even if the thing had not been proved, if these good people had believed there was any truth in it, Gardiner's resignation would have been accepted—he offered to resign—and they would have said: "Although it may not have been proved against you, we cannot afford to have such a story going about as to a man holding such an important position in our church." Mr. Guy tells you they were in a dilemma. They were in no dilemma. Mr. Guy's memory is not a good one. Before the Coroner he swore that Rose

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Harsent was present at the inquiry. She was not, and Mr. Guy had to admit that he made a mistake. I shall show you he said it was a trumped-up story, and a fabrication of lies; that they believed in the innocence of William Gardiner; that the whole thing was allowed to pass away, as it would never have been allowed to do if there was any truth in it. I will only make one remark with regard to the chapel incident before I pass from it. It is important to test the story of these young men, not only on the ground of probabilities, but on the ground of possibilities, and accordingly the defence have made two experiments, the result of which will be brought before you, and we shall be able to prove to you that it is a physical impossibility for any ordinary voices to be heard from the place where these two young men were standing, the people who were speaking being in the position in which Gardiner and Rose Harsent are alleged to have occupied. The police also made experiments, and I ask you to contrast the method of the police experiments with that conducted by the defence. The police experiment is made by these two young men, Wright and Skinner. They are placed with Burgess, of whose capacity you will judge—they are placed in the chapel. They had already given their evidence on two occasions—Nunn is the policeman in charge of the case. If Skinner is to be believed, Nunn tells him to repeat the conversation about the 38th chapter of Genesis. They stand close up to the window, their whole veracity depending upon whether they succeed in making Nunn hear what they are saying. What a remarkable thing! One would have expected they would. Old Burgess has not got the marvellous memory of Skinner. He can't remember what they said; all he seems to have noticed is "Oh, oh!"

Well, gentlemen, you judge for yourselves whether that was a fair and proper experiment. I am not suggest-

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ing Nunn did not hear it. What I am suggesting is this: that these two young men took pretty good care that he should hear it, and that there was all the difference in the world between these two young men speaking in the chapel with a view to making Nunn hear, as I suggest, and the conversation between a man and a woman under the circumstances alleged.

Another experiment was made by Mr. Corder and Mr. Permenter, two respected architects and surveyors of this town, made not using the 38th chapter of Genesis or anything of that kind, but ordinary conversation, and I shall prove to you that it was impossible for these two young men to have followed that conversation in the way in which they say they did. So much for the chapel! I have dealt with it at some length, because the whole thing having been forgotten in Peasenhall, the thing being dead and buried and forgotten, it is raked up again; it is unburied from the oblivion where it was properly lying in order to fabricate a motive to say that Gardiner was the father of that child.

Gentlemen, with the exception of the letters—with which I shall deal shortly—when we appeared at the last Assizes, as far as we could tell from the depositions that had been given, there appeared no other evidence of anything like impropriety or improper conduct between Gardiner and Rose Harsent, and it was only at the eleventh hour, on the 1st of November, I think, that we were served with a notice of the evidence of Henry Rouse. Henry Rouse had not been before the Coroner—had not appeared before the magistrates. You have seen Henry Rouse in the witness-box. It is for you to judge of him. Of course, it was impossible then to cross-examine Rouse about his antecedents, and a very good reason—I do not say it was the reason—but a very good reason for not calling him until the eleventh hour might have been that we should not have the opportunity of discovering what sort of a man he had

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been. The opportunity has been afforded us, and owing to the fortunate disagreement of the jury I was enabled to propound to Mr. Rouse certain questions with regard to his career, the answers to which you heard, answers of which you are the best judges. Mr. Rouse knows very well that he is pretty safe in denying these, because we are not able to call affirmative evidence to contradict. The law does not allow it. Unless you can call a man to say he would not believe Mr. Rouse on his oath, you cannot call evidence as to details which are not strictly relative to the inquiry. Taking Mr. Rouse's own admission, does he appear as the strictly charitable man whom he would have you believe he was? I was asked, and very properly asked, to let Mr. Rouse finish his answers, although his answers were a series of sermonettes. I let him finish and we listened to some very edifying discourses upon the duties of the Christian man. Mr. Rouse admitted that he did, when he was in a better position to do mischief—because, unhappily for such a Christian man, he has somewhat come down in the world, having been first of all a farmer, then a bailiff, and now a roadman—he admitted that he did bring a charge against a little lad for burning down a barn, his sole reason for which was that he found a little bit of stuff such as boys use. That was enough to put the lad before the magistrates, who very properly dismissed the case. He admitted that there was a very unfortunate scandal between him and Mrs. Gooch. Of course, there was nothing in it, says Mr. Rouse, and we have to take his answer. The circumstance that he went to visit the sow, that he saw the lady when the husband was out, brought that unfortunate scandal which must not attach to Mr. Rouse, but may readily attach to Gardiner. He went to read the Bible to the wife when the husband was not there. It is an unfortunate circumstance for a gentleman of such probity as Mr. Rouse.

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The next question I put before him was the Snelling incident. He denies altogether the Snelling incident, but says he believes the girls were harum-scarum girls. That all shows the class of mind the man has got. It is the mind that believes evil. Do you believe he is the sort of man, if he had half a chance, not to speak? Now look at him! Leave that cross-examination and come to his evidence. What is it? He tells you that he saw Rose Harsent and William Gardiner walking out on one night in February—he had never told a soul in a Court of Justice until the last Assizes—and that he spoke to them, and that Gardiner said he would not do it again. Gentlemen, it was important, if that was true, that that evidence should be given then, and not sprung on us at the last moment. Gardiner will go into the box to-day, as he went into the box on the last occasion, and deny it.

Fortunately, you have a very good test of the credibility of Mr. Rouse, because, unhappily for Mr. Rouse, when people are beginning to slander their neighbours they do not know where to stop. But he had to go a little further, and he tells you the slander of the Sibton Chapel. Mr. Rouse is an occasional preacher, and I believe among the Primitive Methodist community there are a great number of occasional preachers. There is a rostrum, and Mr. Rouse was there, and here at the side of the rostrum, just underneath, are the three sides of a choir, one near the seat where Gardiner used to play the harmonium. Still, gentlemen, the story of Rouse is that he distinctly saw Gardiner put his legs on Rose Harsent's lap, and not only did Rouse see it, but it was visible—he says now—to twelve or thirteen people. I shall show you it was visible to any one in the chapel, for from one corner of the chapel you can see what is going on in any part of it. Rouse saw him put his legs on her lap. I wonder why? It is a curious way of making love. I don't know that one ever heard of it before. It is at all events a novelty that has been

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reserved to Mr. Rouse to invent. Do you believe that this man who has a reputation to keep up—this Sunday school superintendent and foreman of works, with a wife and six children—this man who has worked his way up by the sweat of his brow to the position he occupied, and which, please God, he will occupy again when this trial is over—would he be such a fool as to put his legs in the girl's lap, in the middle of the service, with the eyes of all present on him, and with Mr. Rouse preaching—I wonder on what text he was preaching—was it from the Ninth Commandment?—with Mr. Rouse standing up there to see everything! But what does Mr. Rouse do? I suggest his duty was to have stopped and spoken to Gardiner, or if that would have been too hard, then it was his duty at the close of the service to reprimand him, to tell him that this must not be. Not one word says Henry Rouse. He goes home, waits a fortnight or ten days, then what does he do—writes an anonymous letter, and in order that it may not be used as the ground for a libel action he gets his wife to copy it out. And, gentlemen, I shall prove to you that this letter was seen by Mr. and Mrs. Gardiner, and that it was not until Henry Rouse got into the box on the last occasion that Gardiner had any idea who wrote the letter.

Gardiner produced—we produced—the letter on the last occasion, and then we knew for the first time that the letter was the emanation of the mind of Henry Rouse, and the pen of Henry Rouse's wife. It is an extraordinary document. I venture to read it to you. (Counsel here read the letter* commencing "Mr. Gardiner, I write to warn you of your conduct with the girl." There is not a word about the legs and the lap—all he says is that the girl sits next Gardiner, and there is not one word about the charge he has brought. I leave Henry Rouse. Gardiner has the comforting reflection that Henry Rouse loves his soul, if that

* See p. 100.

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can do him any good! I suggest to you that a man who would send such an anonymous letter as that, a letter stabbing this man in the back, is not a man worthy of credence, and I suggest that there was a very good reason why he should not have been called until the last moment, so that his antecedents should not be gone into. If you think that is a fair piece of evidence on which it is fair to place any imputation of paternity, no words of mine can undo that thought. But I leave it to you, confident that you will feel it is worth nothing, and that it is the evidence of malevolence, and of a man ready to think evil, and to misinterpret the most harmless act, and then to shelter himself behind anonymity.

The next point with which I have to deal relates to the correspondence. Certain letters are alleged to have passed between Gardiner and the murdered girl. Now, the only evidence of that is the evidence of Harry Harsent, the girl's brother. You saw the boy in the box—you remember that he seemed to have a very dim recollection as to when he took letters. I don't think he repudiated my suggestion that at the most he only took two or three letters from Gardiner to the deceased in 1901, and two letters in 1902. But I do not place much reliance on that. There had been a certain amount of correspondence between the two persons, and Gardiner himself will tell you all about it. He wrote Harsent two letters in June, very proper letters, about the scandal; and Harsent wrote him one letter last year with regard to the "anniversary hymns." That is really the explanation of this part of the evidence. All the letters that did pass were carried by Harry Harsent, whom Gardiner used as a messenger. There is other evidence about letters. You have heard the statements of Mrs. Crisp and the postman about the delivery of certain letters enclosed in buff envelopes, but there is no evidence that these came from the accused. Your decision upon that point will turn upon the handwriting. The reason-

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able probability is that the girl received other letters from the person who wrote the letter marked "A"—the incriminating letter making the appointment for the meeting. If Gardiner didn't write the letter "A," it follows that he didn't write the letters similar to it. When you come to deal with the handwriting, it will be for you to say whether you believe he wrote the letter which is the key to the others.

Leaving that point for a moment, I want to point out that there is no proof that the accused ever used buff envelopes, and no evidence that he ever sent any letters other than those which were sent by her brother as messenger. All this brings me to closer evidence to the letter "A," and I beg you to follow my argument in regard to it as clearly as possible. The letter making the appointment is as follows: "Dear R, I will try to see you at night at twelve o'clock at your Place. If you put a light at your window at ten o'clock for about ten minutes. Then you can take it out again. Dont have a light in your Room at twelve as I will come round to the back." Now, the prosecution cannot have it both ways. Their theory is that the man who wrote that letter is Gardiner, and that he is the man who murdered the girl. Let me first of all point out that it does not follow that the man who wrote the letter committed the crime. If it were proved to demonstration that Gardiner was the writer, the case against him would be very much more serious, but it would not go further than strong suspicion. It is not an absolute sequence that the writer of the letter murdered the girl. I need hardly say that a man cannot be convicted of murder without the most cogent and convincing proof. It will not do to say that "we believe" or that "we feel morally certain"; you must have legal certainty in a case where it is a question of life and death. But just notice this fact—the prosecution say that Gardiner wrote the letter, making the appointment for twelve o'clock. These illicit appoint-

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ments are dangerous things to keep; and the persons making them would above all things be careful to observe the time fixed. That being so, although the time mentioned in the letter was twelve o'clock, and the prosecution say that Gardiner wrote it, their own theory is that he did not go to Providence House until half-past one o'clock. Happily, in the interests of justice and innocence, there was a terrible storm that night, and Gardiner, as the evidence showed, went in to keep company with a nervous neighbour, and stayed there from somewhere between eleven and twelve o'clock until half-past one o'clock in the morning. There was then, as one witness said, only one and a half hours to daylight at this time of year. The accused went to bed with his wife; I shall prove to you that after they got to bed they heard the clock strike two; and you are asked to believe that Gardiner crept from his wife's side, and, at the break of a summer's day almost, went out upon this dreadful errand; then, that having accomplished it, he crept back home again and got to his wife's side again, without her knowing that he had ever left her side. Why, gentlemen, it is an incredible story, and does not agree with the letter. This was not the only night of the year; this was not the only opportunity that the man would have of seeing Rose Harsent; and I submit that the fact that at twelve o'clock the appointment was not kept by Gardiner, if he made it, proves that Gardiner did not commit the murder, because it is pretty obvious that the man, if he knew the appointment was for twelve o'clock, would not imagine the girl would be sitting up for him till between two and three in the morning. What would the girl do? Assuming Gardiner wrote the letter, the girl would have given him half an hour, perhaps, and having done that, would have gone to bed, and the man would have known it would be unsafe to keep that appointment. Therefore, on the letter itself you have got evidence

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that that appointment was not made or kept by Gardiner.

You have another point. There is the point of Mrs. Crisp, and Mrs. Crisp's evidence is of the most vital importance. Mrs. Crisp has given evidence in this case a number of times. The first she gave on 3rd June, two days after the murder, when her recollection must have been exact, and she swore definitely that she came down shortly after twelve, and thought she previously heard the clock strike. And then she says: "Between one and two a.m. I thought I heard a thud sounding from downstairs, and shortly afterwards a slight scream." Then she is examined again on 16th June, and she said: "I believe it was between one and two a.m.; I think it was in the middle of the storm." Then she is examined the third time, and in the meantime the theory of the prosecution had changed, because they found out Gardiner could not have committed the murder before two o'clock. Mrs. Crisp then, in her evidence on the 19th June, says she does not know the time, but she does say this, and it is very important, that it was dark. Therefore, the murder—whoever committed it—was limited to the dark. Therefore, it must have been committed quite by three o'clock, because I suggest to you at three o'clock on 1st June it was light. This is important. The whole idea of taking the depositions before the magistrates and Coroner is to get the story of the witnesses for the Crown in black and white so that the defence should know what they have to meet, and have opportunity of finding discrepancies in the evidence. It is noticeable that Mrs. Crisp's evidence was exact until the theory changed. If Mrs. Crisp's evidence was true on 3rd June, when the murder was fresh in her memory, Gardiner could not have committed the murder.

There is another person who can tell us something about it—Mr. Crisp. He has been presented here as a deaf old gentleman. You saw him and heard him, but

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throughout the length and breadth of these proceedings Mr. Crisp has been kept in the background. Mrs. Crisp says: "I fixed the hour because of what my husband said." It is noticeable that the man who ought to have gone downstairs to help the girl should have lain in bed, and should have been kept out of the witness-box, and that you only get Mrs. Crisp, who, beginning with a story of exactitude, gradually winnows it down till all you get is that it was in the dark. It is enough for me that it was in the dark, because I have got my alibi, and I have got Mr. and Mrs. Gardiner going to bed in the dark.

Then I shall call before you Mrs. Gardiner, and you will hear her give her evidence, and you will say whether she is a witness of truth or not when she tells you she was awake at that time, and that her husband never left her side.

There is another point which arises about this matter—the medical evidence. You have the evidence of Dr. Lay that what is known as rigor mortis had set in, but was not complete. Dr. Lay saw the unhappy body at twenty minutes to nine, and he tells you the rigor must have commenced at least two hours before. That would take it to twenty minutes to seven. Dr. Stevenson tells you that the ordinary period for rigidity to commence is from five to six hours. That would take it to twenty minutes to one or twenty minutes to two, which exactly tallies with what Mrs. Crisp says. I shall be able to call you further medical evidence on that point if necessary.

About the handwriting, opinions about handwriting are unsafe things to follow, and I must say that people may honestly make great mistakes about handwriting, and when you are trying to find out whether Gardiner committed that murder or not, the most important thing for you to do is to examine the circumstances. And those circumstances point to it being impossible for him

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to have done it. Dealing with the handwriting itself, I submit to you that this case rests almost entirely upon the evidence of handwriting, and I further submit to you that it is about the most unsafe evidence upon which you can possibly be asked to convict. If you take two documents together, particularly if you take out words and put them together, it is very easy to find similarities. If you, gentlemen, took the trouble to each write out that letter, you would find most astounding similarities. Mr. Gurrin comes here as a professional witness, and tells you his honest opinion I shall call before you two gentlemen—who are in banks—whose business it is to detect handwriting. They will tell you, in their honest opinion, it is not the handwriting of William Gardiner, but it will be for you to judge. It is not a question which way your mind inclines; it is a question of proof. It must be absolute certainty before you can possibly convict on this handwriting.

The really fair way to compare the handwriting is to take the two documents side by side. I do ask you to take, for instance, these Paris letters in the one hand and the incriminating document, called "A," in the other, and see if the general character of the writing is the same. Gurrin admits it is not, that the style was different, the alignment was different, and the sloping was different. He will not say that the writing of "A" is disguised writing. It is entirely for you, and, taking the whole character of the writing in the letters from Paris and the prison letter, I think you will say it is different from that of the incriminating letter "A." Gurrin has said he has seen writings by different people which he would have the greatest difficulty in distinguishing. Therefore, gentlemen, does it not show the danger that there is in taking a letter, say the letter "F," and stating that it is formed like that. Whether you take the letter "F," "G," or "P," there is only a very limited number of ways in which it can be formed.

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Now, in these days of School Boards there is an even greater tendency for people to write alike; for example, it is taken as a point that Gardiner uses capital letters. A great point is made of the capital "P," and it is an undoubted fact that whoever wrote the disputed document "A" used the capital "P." Gurrin admits it is not an uncommon thing for comparatively uneducated people to use capital letters, and whether he admits it or not I put it to you it is a fact to be adduced from your personal experience. Gardiner was shown the writing of the incriminating letter, and if Gardiner was the murderer, and if Gardiner wrote "A," he would have known he wrote it. When Staunton showed him the letter, what did he do? He admitted the similarities in the two handwritings of the letters, but denied he was the author of "A." Does this prove he is an innocent man? It is notable that Gardiner should say: "Yes, there are similarities." The question is, were these similarities such as to force you to only one conclusion—that upon this most dangerous class of evidence it is safe to send a man to face his Maker?

I come to another point on the writing. If you remember, Gardiner was put into prison on the 3rd of June, and assuming him to have written the letter "A" and the envelope "B," he would know he had written it. Before I deal with that, however, there is another curious thing needing comment. Gurrin said all along that envelope "B" writing was disguised, and yet he draws similarity between the "S" in Saxmundham in that disguised handwriting and the "S" in Saxmundham on another envelope. If Gardiner is the murderer, he is about the most accomplished criminal of modern times. If he did the murder, it shows him to be a man of intellect unparalleled in criminal records. Yet it is assumed that he takes up his pen and, knowing that every letter coming out of the prison is subject to the perusal of the authorities, writes a letter to his wife,

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without the slightest attempt at disguising the handwriting. You cannot say in one breath that the accused is an accomplished criminal, and in another that he is a fool. If ever there was a time he would try to disguise his handwriting, do you not think he would take it when he was in prison? I submit to you it is incredible the man should be such a fool. On the handwriting question, it is plain that the writing of the letter "A" is that of a better educated man altogether. It is the writing of a man who has a firm grasp of the pen; it is different in alignment, spacing, style, and character, and there is no legitimate similarity between the two. My friend, feeling the point of Gurrin's evidence, comes here this morning, and takes a brief note written from prison by the accused to his solicitor to show that it is straighter. If you take that letter, you will find a very great difference between that writing and the writing of the letter "A." That is the writing of an uneducated man, and the letter "A" is the writing of an educated man. One other point I wish to draw attention to is the question of the spelling. The letters from Paris, notably that of the 12th, were riddled with mistakes in spelling and grammatical inaccuracies. He spells Tuesday with a small "t," and he talks about "with" instead of "width." He says two French drills "come" into instead of "came" into, and he uses "say" instead of "says," "of" instead of "off," and "were" instead of "where." "Receiving" is also not spelt properly. In the letter of the 10th April he begins: "Mr. J. J. Smyth, Esq.," and uses only one "p" in "stopped." In writing to his master, one would think the accused would use every care, but finding he made so many mistakes even in that letter, one is right in saying he is not an educated man. Well, with regard to this letter from the accused, I have already commented upon the extreme improbability of the man writing from prison in his own handwriting, assuming him to be guilty.

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Then what happens? The intelligent Police Constable Nunn calls on Mrs. Gardiner and he takes that letter away and sends it on to Mr. Gurrin, and the letter is returned to the accused, and no use is made of it. Now, they want you to believe—it is worthy of Rouse—that that was because they were so tender hearted, so considerate, that they did not think it quite fair to use a letter written by a man to his wife. We are very much obliged to them for their merciful consideration. I submit to you the reason was that the comparisons were not satisfactory, and I submit to you that if those comparisons had been satisfactory they would have been used at the last trial. It was only when the jury wanted the letter that the letter was shown to the jury; and who sends for the letter? That letter, when the jury asks for it, was at Peasenhall, 27 miles away from this Court. It was only on the last day of the trial that the jury asked for it. Who sent for it? We, the defence. We sent a motor car in defiance of the regulations, going at 30 miles an hour, and got the letter; and now, of course, you have got the belated report of Mr. Gurrin seeing similarities as any one must see similarities who compares different handwritings. That letter is the strongest proof of innocence; a letter written in ordinary handwriting; a letter produced by the defence and not used by the prosecution until the very last moment; and they are forced to use it, otherwise comment might have been made upon it.

So much, gentlemen, for the handwriting, with this one exception: that if you look at that letter you will find a considerable number of misspellings. It is altogether the writing of a comparatively illiterate man, a man who has made his own way up, and the other writing is obviously the writing of an educated man. That is practically the whole of the evidence that deals with the question of paternity, and the only other

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evidence I have got to deal with is the evidence brought forward to prove that Gardiner committed the murder.

I hope I have dealt with it in a fair way, quite quietly—although one knows his whole soul is in this thing, and it is a terrible strain both on you and me—because I think I shall do greater justice to this poor man if I try and present this matter without any appeal to sentiment. There are cases of murder where there is nothing to do but appeal to sentiment. I will leave out sentiment; I am perfectly prepared to try this case on business principles, because I know the more you look at it dispassionately and quietly the more you will see how miserably the Crown fail in their attempt to bring home guilt to this unhappy man. The first incident brought forward to show he committed the murder is that he was standing outside his house about ten o'clock on the night of the murder talking to Burgess. That light could have been seen by any one in Peasenhall for a long distance. The man was standing outside there, and he stood looking at the weather, as Burgess admits a great many other people were doing as well; and the point is that he could have seen the light. If you were to put everybody in the dock who stood in that road about that hour and charged them with murder, and got a handwriting expert to prove similarities in handwriting, you might hang a considerable number of people in Peasenhall. It is a curious thing that the word "Saxmundham" was put on the envelope after "Peasenhall," enclosing the letter making the midnight appointment. It is rather curious that the person who writes from Peasenhall should put "Saxmundham" on the envelope. I suggest it rather points to the posting in Peasenhall, and possibly the imitation being done for the purpose of misleading. It is a small point, but there may be something in it. I think we may leave out the question of the doorstep, and come to the question of the footsteps. In an absolutely inconclusive case of criminal prosecution it is always

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attempted to be buoyed up with handwriting and foot prints. Both are the most dangerous evidence upon which you can go—absolutely the most dangerous.

Now, take the evidence of Morriss; let us examine that shortly. Morriss is an assistant gamekeeper. He is going to his work at five o'clock on the morning of the 1st of June, the day the girl was murdered; he passes Gardiner's house, and he sees absolutely no mark on the step. We have been told it is a big step, yet no mark is seen upon it at all. He sees these marks as of india-rubber shoes extending from Gardiner's step until you get to Providence House. Morriss did not stop to examine those marks; he walked straight on. He noticed the steps go as far as Crisp's, but never noticed whether they went farther or whether they were on the York pavement; yet he is prepared to pledge his oath that these steps went both ways from point to point, although he himself never went back. Astonishing detective he must be! Going at an ordinary pace, without stopping, except to turn round, he is able to tell you about the steps going backwards and forwards. We cannot test it, except in this way. I asked him: "Did you see any other footsteps?" He replied: "I saw some hobnailed boots half a mile up the Helmingham Road," and I shall call the man who made those marks. He is a man named Hart, who has already given evidence, and Hart will tell you that he was passing at four o'clock in the morning along the Hackney Road, the opposite direction to Morriss, turning up the Helmingham Road. He was passing with hobnailed boots at four o'clock in the morning Providence House, yet Morriss never saw his steps—hobnailed boots—until half a mile up the Helmingham Road. Hart had to go a distance of 16 yards by Providence House, and as a matter of fact he noticed no footsteps at all. I do not know that he was particularly looking for them; but it is noticeable that the observant Mr. Morriss should not see

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the footmarks of Hart until he had got half a mile up the Helmingham Road. So much with regard to that.

Assuming Gardiner to be innocent, I am not able, of course, to explain this crime to you, because if a man who is accused of a crime is to be convicted unless he can say who committed the murder, there is an end to the immunity on the subject. It has been more or less suggested by my friend—I do not say he intended it—that if he did not do it, who did? The Crown, however, have to show that Gardiner, and Gardiner alone, did it. Gentlemen, it is possible, and I throw it out as a suggestion, that if Morriss is not mistaken about these footprints, it is quite within the range of possibility that they may have been made purposely by the real murderer as a blind. Either Morriss is mistaken or he is not. If he is, well and good. If not, a possible explanation is that the man who committed the murder may have walked backwards and forwards, in order that these footmarks might be seen. It is a curious thing that Morriss never saw these footmarks again from that day to this. You know Peasenhall is a comparatively small village, with a long straggling street. I do not know that there has ever been a murder there before, and you all know the tremendous excitement this case has occasioned, not only there, but almost, I might say, throughout the world. It has been the talk of the country, and for a murder to be committed in the middle of a village like that—why it would be more interesting to the people of Peasenhall than even the filth that Davis tells you forms their ordinary conversation. I think I shall show you that Morriss was trying to find these footmarks at eleven o'clock, but never found them—never saw them again, and did not have sufficient evidence—this damning piece of evidence, as he would consider it—to tell the police about it. There is only some tavern conversation between him and Redgrave, which is filtered through Redgrave's brother—who is landlord to Wright and Skinner; Morriss

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speaks to Redgrave, Redgrave's brother speaks to Nunn, and Nunn goes to Morriss. Then they come out and give their evidence about the footprints. Morriss gives his evidence with the boots on the table before him; but I submit he is not a witness on whose word it would be safe implicitly to rely.

But there is one point stronger than all the theory I have been putting to you. One thing is plain—there are no signs of blood or paraffin on the shoes, and my friend feels the point of that, and so he starts the astonishing theory that the murderer, having put on these shoes for the purpose of silence, takes them off as he goes into the house. That is mere theory—the histrionic ability my friend possesses from heredity and personality. It is the sort of thing that would do in a novel, but not in a murder case. Because they cannot find blood or paraffin on the shoes, they have to invent the theory that he takes them off, and they say the theory is supported because Nunn found no footmarks. What Nunn said before the Coroner was: “I think there were no footmarks.” I suggest to you—whatever Nunn may think now—that at the time he gave evidence the idea was that the girl had committed suicide; and if they thought that, they would not trouble about footmarks. Whether the man had the boots or not, his feet must have trodden in the blood, and there must have been some mark. In order that my friend may force a conviction against this wretched man, he has got to assume that Gardiner put on these shoes, and took them off before committing the murder, because even your naked foot makes more noise than india-rubber shoes, as gentlemen of the jury will know if they have ever walked about on the landing. These shoes were put in a box—Gardiner had not worn them for some time—and when Mrs. Gardiner was asked for them she produced them. If you do not take the ingenious histrionic theory of my friend, if you say: “We cannot afford to

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listen to these words of fiction in a criminal case"; if you examine these shoes, you will find that, assuming them to have been worn, blood and paraffin must have got into the interstices, and, as my friend reminds me, into the thread particularly, and this would most certainly have been observed by the microscopic eye of Dr. Stevenson. I ask you not to rely upon the evidence of Morriss, which he kept to himself, so far as the police were concerned, until the police themselves went and got it from him. I ask you to say that the whole thing points either to the fact that there were no footprints at all, or, if there were, that they could not have been made by the shoes of Gardiner.

The next thing I have to deal with is the bottle—the bottle which is the cause of this case. But for it Gardiner would never have been accused in this case. But the police in Peasenhall had got the bottle, and they said to themselves: "Gardiner did this murder, and he has left his card. Out of consideration for us, in order not to tax our brains too heavily, Gardiner has considerably brought a labelled bottle with his name on it—and, of course, he did the murder." If this were not a murder case, it would make us laugh. They want to say that Gardiner is an accomplished criminal; yet they ask you to believe, that not only did he take these 6 ounces of paraffin to burn the body, but that he took a bottle with a label on it, bearing his own name. That is not the sort of a thing that a man overlooks, and I submit to you it is ridiculous. The cork was in the bottle, jammed into it so tightly that the fingers could not remove it. Is that the sort of mistake that an accomplished murderer makes? Happily we can explain this to you without a doubt. Mrs. Gardiner was asked about the bottle. Perfectly rightly and straightforwardly she told what she knew about it. What she knew, what she will tell you, was this: Dr. Lay apparently prescribed medicine about last Easter,

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which was on 28th March, both for Mrs. Gardiner's children and Mrs. Gardiner's sister. Mrs. Gardiner's children had five doses, five teaspoonfuls out of this bottle every four hours. The doctor's orders were followed for two or three days, and then the bottle was put on the shelf with other bottles. Rose Harsent was in the choir, and wanted to attend the annual tea meeting of the Sibton denomination. She, of course, wanted to sing, and could not because her throat was bad. She had a bad cold. So she came to Mrs. Gardiner, and Mrs. Gardiner is a great believer in camphorated oil. She had a bottle of camphorated oil in the house, and she took some of it and put it into a bottle. She does not remember which, and you would not believe her if she said she did. She gave it to Rose Harsent. The police asked her: "Did she take it away?" and she used the phrase: "She must have done," which meant that she did. Of course she did. What was the use of giving it to her if she did not take it away? I shall also call Mrs. Walker to whom the girl admitted that she used it, and that it made her cold well, so she was able to go to the meeting after all. The bottle was taken by Rose Harsent, and then what did she do with it? I do not know. I can only guess and so can you. It is not an uncommon thing for servants, and particularly if they are a little slovenly, to use a little paraffin to make up the kitchen fire and replenish the lamp. I suggest that, having used the oil, she filled the bottle with paraffin. Of course, if the paraffin had been in some time, there would be no smell of camphorated oil remaining. In all probability the bottle was on that shelf which was broken, because you remember the shelf was standing above the side of the door and the bottle fell down, and the pieces were found just on the left of the girl's head. It would be exactly where they would be found if they fell off the shelf. The very fact of this paraffin falling in the scuffle that must have ensued made

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Mr Wild

the man suddenly think: "I will try to burn the body." So he at once went to get the paraffin out of the lamp, and in his hurry he neglected to hide the bottle. That is only a theory, but I submit my theory is as entitled to consideration as the theory of my friend, and I have this privilege, if I can put before you a theory which is possible, it is entitled to consideration, but my friend's theories are such that they must be right, and there must be no mistake, because, as I have said, this is a question of life and death. At all events, it is more probable that what I suggest took place than that this man took the bottle with his name upon it and containing 6 ounces of paraffin for the purpose of trying to burn the body. That is what I suggest to you. It is a theory I ask you to consider. I ask you absolutely to reject the suggestion of my friend that that bottle can possibly have been taken by Gardiner. Having dealt with the bottle, I am now going to deal with the knife.

A very common question in these cases—a question which is liable to be misunderstood—is, may that knife have inflicted the injuries? Of course, it may. So may any other knife; you see it is a very ordinary penknife. That knife is found in Gardiner's pocket when Gardiner is arrested. It is said he scraped and cleaned it. It is quite true he has cleaned it. He has an oilstove in his workshop. Why, I suppose there is water somewhere in the neighbourhood of Peasenhall, and do you imagine that if a man had murdered a woman with that knife he would have been content with a careful cleaning? I suggest he would have taken a walk to the river and chucked it in. What do you find? You find mammalian blood. It sounds a good thing, but it may be the blood of a rabbit or any other animal. Dr. Stevenson was called in, but he cannot help the prosecution. He gave his evidence perfectly fairly, as he always does. He said: "I cannot say whether it is blood of a man or a rabbit. All I do know is I think

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it is about a month old." Of course, he is not prepared to stake his professional reputation on the age of that blood. Science may be very great, but it cannot do that yet. Science cannot take the smallest microscopic drop of blood and say this blood is a month or three weeks old. Gardiner will tell you he has used that knife for hulking a rabbit, and, having hulked a rabbit on two occasions, a month or six weeks before that there was some blood on it, although he cleaned it. It only shows the stress to which my friend is reduced that he has to try and make a point of that knife.

The next point is the *East Anglian Daily Times*. If ever there was an improper point to make it is that. Even my friend says—and I thank him for it—that he does not pay much attention to that fact. We all know the *East Anglian*, and we know it has the widest circulation of any daily paper in the county. It is perfectly clear that the *East Anglian* was under the bottle, and, gentlemen, the *East Anglian* is a point in favour of the defence for this reason—it shows conclusively that the body had been moved about. You see the *East Anglian* was completely burned, and where it lay no hair was singed, and there was no singeing under it, and that proves the paper was burned out either before it was put under the body, or the putting of the body on the paper caused it to go out, or otherwise there must have been a singeing of the nightdress and the hair. That shows in conjunction with other points that there must have been moving of the body, and that, coming in connection with the blood and paraffin with which I am going to deal when I summarise, is very important.

Leaving the *East Anglian*, I think there is only one other point brought against us, and that is the wash-house fire. That has considerably grown in magnitude since last night. Mr. Stammers is another one of their belated witnesses who was never called before the magistrates or the Coroner; a man we never heard as a witness.

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We first had his evidence on 5th November, a day after the trial had begun. Stammers said, as I put to him: "A fire." Then, in answer to leading questions, it became "An excellent blaze." Now he has had three months to think it over, and it becomes "A very excellent blaze." The whole theory is this. It is one of those cases of "Willing to wound, yet afraid to strike, Half hints a wrong and yet hesitates dislike." Why did Stammers stand back and not mention this wash-house fire before? The fact is this. The little wash-house fire is about 7 by 9 in.—quite true, you can build it up at the top—and what happened was that Gardiner, as he was accustomed to do, notwithstanding what Mr. Stammers would say, lit the fire for his wife on the morning of the Sunday because, it being hot weather, they did not want a fire in the room where they had breakfast. What is the suggestion about this fire? It is suggested the fire was lighted to conceal the paraphernalia of the murder. What did he burn? Did he burn the india-rubber shoes, the clothes he wore on the Saturday, his boots, his underclothing? He burned nothing, and if he did, what a smell it would have made, as you jurymen evidently know. Nothing was suggested to Gardiner about burning anything at the last trial, and if he had burned anything the nose of Mr. Stammers would smell what the eyes couldn't see. There would have been evidence of it too. When the police looked they would have found remnants of the burning. It is perfectly ridiculous, and another illustration of the unfair way this prosecution has been conducted not by my friend, but by those who advise him.

I shall put before you the evidence of the accused and his wife, and I would suggest to you, coupled with the observations I have made, that it disposes of the case of the prosecution. I have dealt at some length, but not undue length, with each point.

I have, in conclusion, before I call my evidence,

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Mr Wild

shortly to draw your attention to certain points, which are not destructive points as destroying the case for the Crown, but constructive points as proving what I have not got to prove, the innocence of William Gardiner. The first point is one the prosecution have failed all along in. Take your minds back to that fatal Sunday morning, between one and two, when Rose Harsent was murdered. You have a kitchen 10 ft. 6 in. by 8 ft. 6 in.; you find the body within 18 in. of the scullery wall; you find the throat cut from ear to ear, and another bad cut from the right-hand side of the throat. The head is resting against the kitchen stairs in a pool of blood, and there is blood up the stairs; it spurted out 2 ft., Eli Nunn told us. You have burning on the small of the back and the shoulders, and principally on the right-hand side. You have standing there the lamp, taken to pieces, and the candle, the broken lamp cover, and the bottle which has fallen from the shelf, also covered with blood and paraffin. It is impossible to say how the girl was murdered, but, gentlemen, you have this. The murder must have taken some little time, because there was a thud and, a minute after, a scream. The thud rather looks as if the first blow, as Dr. Richardson said, might have been inflicted when she was standing up. Probably she tried to escape by the staircase, which accounted for the blood up the stairs, then she was dragged back and the wicked stroke was inflicted. Do any of you twelve gentlemen believe that that man could have done that murder without getting himself covered with blood. In a little space like that, with the victim penned up into the kitchen staircase, with her poor hands up in front of her warding off the blow; we find William Gardiner without trace of blood upon him, his clothes, boots, and shoes, all innocent of blood, and his face without a scratch or mark of any kind.

Well, gentlemen, it is for you, and you alone. The point seems to be so obvious I should suggest it does not

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require any great argument, but there is more. What does the murderer do? He proceeds to burn the body. What light has he to burn it? The candle is all the light. There is the body writhing in its gore; he takes the body and lays it on its back. Can he have done that without getting blood upon him? He also places the *East Anglian*, probably alight, under her head and shoulders; and another histrionic suggestion my friend makes is that the man who did this screwed himself up to 18 in between the scullery wall and the body, and he did it so cleverly that, although the body and floor were covered with blood and paraffin, he succeeded in getting away without a mark of blood upon his clothing. This is a point I want to impress upon you. There is an attempt being made to put the cart before the horse in this case, and put upon me the proof of things which ought to be upon the prosecution. It is suggested in one of the insinuations so easy to make, and so difficult to disprove, that Gardiner had more clothes than have been produced. That is a question which rests upon the prosecution to prove, but I am willing to take it upon my shoulders, and I shall prove to you that every article of clothing the man ever had, his trousers, his waist-coats, and his coats, were given to the police when they asked for them, except those that he stood up in. As they had got his body, they had also got the clothes he stood up in. Peasenhall is not a very large place, and Gardiner was a man of position in the place. You have your Stammers and Rouse, and people with eyes in their heads, and tongues in their heads in Peasenhall. Do you imagine, therefore, that the police have not made every search and every investigation to find if Gardiner had other clothes than those he was wearing. He had no other clothes than those Mrs. Gardiner gave to the police. They go to Mrs. Gardiner on the Monday, and ask for the clothes, and she knows it is about the murder. The poor woman gives the police officer the clothes her

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husband was wearing on the Saturday. She understood that that was what was required. She said: "That is what he was wearing"; and, when the policeman came again, she gives him the boots and carpet slippers. When the policeman calls again on the Friday she says: "I have got an old black coat and waistcoat he has not worn for months." "Have you anything else?" asks the constable. She says: "Yes; he had some india-rubber shoes; here they are." These were all presented without the slightest attempt at concealment. There was no mark upon the slippers. I do not know, gentlemen, if you know Dr. Stevenson, and what he can do, but if there had been any washing of the clothes, Dr. Stevenson, the great Home Office analyst, could find out traces of blood even under those circumstances. These clothes have been subjected to close microscopic examination, and there is not a vestige of blood on them. With regard to the underclothes, the policeman was given a shirt and a vest. With regard to this, a merciful thing has happened in this case. I believe there is a God in this case, Gardiner believes in Him, and I cannot feel but there is something that will prove Him true. Mrs. Gardiner washes in alternate weeks. What a merciful providence her washing-day was the 9th of June, and not the 2nd! If it had not been so, it would have been stated by the prosecution that Gardiner's underclothing had been washed. There was no blood on the clothing, and there they had got proof of the accused's innocence. There is one other point in this matter. They do find something; they find a little bit of cloth. And my friend says to you—I hope I can find his words—he says "a tiny little thing." He is magnanimous enough to say he would not make use of it. And why? Because Dr. Stevenson has subjected those clothes to examination, and although he says that the little piece of cloth was hacked out of the clothes, he found it could not have

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been hacked out of Gardiner's clothes. It is said to be hacked out of Gardiner's clothes.

If you are going into theory, here is a piece of fact for you. The piece of cloth was in the piece of debris of the bottle. Dr. Stevenson had been unable to discover that the cloth was hacked out of Gardiner's clothes. If he had, the prosecution would have said: "Here is a find." It would have been brought forward to you as the little piece of damning evidence left by the man who thought he had escaped detection. Because they know it is not from Gardiner's clothes, they try to pass it over as a very tiny thing. That little bit of cloth, gentlemen, came from the murderer's clothes, and if you can find where it comes from you have found the man who committed the murder. It is just the sort of point which, if it had been on the other leg, my friend would have brought before you and emphasised it. Because the cloth does not come from the accused's clothes, it tells of his innocence and of another man's guilt, and of the man who kept the twelve o'clock appointment. I do commend that little bit of cloth to your respectful consideration. I hope you will consider the care with which Dr. Stevenson has examined everything connected with this case, and it is a thing which tells in favour of the defence. Other points are worthy of attention. Every facility has been given by Mr. and Mrs. Gardiner to the police, and there has been no attempt at prevarication. The police persecutions of this poor woman—I will not use so strong a term—the police visitation has been unparalleled in the annals of modern investigation. Five or six times they went in the course of one week. I am glad they went; she is an honest woman, a good little woman, who has brought up her children well; and she gave her answers like a truthful and good woman.

Regarding the scandal, there is a point I forgot. Mrs. Gardiner never believed that scandal. She was a friend of that girl till her death, and, being the wife, believes

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there was nothing between her husband and Rose Harsent. If the wife believes there is anything between her husband and another woman, then, gentlemen, she does not make a friend of that other woman. But Mrs. Gardiner did. Mrs. Gardiner believed in Rose Harsent, and still believed in her husband. I shall be able, through her instrumentality, to establish a complete alibi.

There are two other matters that require consideration —one is the matter of this confession letter. Now, gentlemen, do not let me be misunderstood with regard to this. I know no more, nor do those who instruct me, whether this letter is a genuine confession or whether it is the emanation of a distorted brain. It is remarkable —I say it for what it is worth—that the man who wrote that letter has, at all events, got hold of certain facts which are known to be true. It is remarkable that there was a man answering the description of that letter, who came home that night, a man who had walking shoes, who came home in the company of young Harsent, and who lives at Badingham, and keeps his mother. I consider I have not the right to make a distinct suggestion about the matter as to who did this murder. My own client has suffered so much from false accusations that it shall not be said that he has cast blame through me on some other person. It is possible that the man who wrote that letter committed that murder. Let us assume that for the moment, and that he knows that Gardiner is unjustly accused. It is conceivable that he is now trying to throw the blame on an innocent man, Goodchild, to ease his own conscience and to prevent Gardiner being hanged, because he knows Gardiner can prove his innocence. It is a remarkable thing that the man who wrote that letter should put in facts which have been proved to be facts, and it is possible that the man who wrote that letter is the man who committed the murder. Of course, the man would not put his own neck into the

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noose ; he tries to throw the crime on some other innocent person, to save Gardiner from a death he knows to be unjust. It is undoubtedly the letter of a man who is trying to make himself out to be illiterate. He first spells Davis with a capital " D " and then with a small " d," and in a different manner. You will find in that writing in the letter of confession the most curious words, which show that the man is a better writer than he would have us believe.

But, please do not misunderstand me. It is no part of my case that that man committed that murder, but we have to search about and take into consideration these things, and if it is possible, if really, in fact, there is some poor wretch who knows that he was the murderer and who is doing what he can to let innocence be vindicated in the shape of this man, I say it is not to be passed over by phrase or allusion. It is worthy of consideration. It is your duty ; it is your responsibility ; it is not mine. Heaven knows I feel my responsibility in this case, but my responsibility, my friend's responsibility, my lord's responsibility—they are nothing as compared to yours, because it rests upon you and each of you to say whether that man is guilty or not. The verdict is the verdict of the jury, and all these matters must be considered by the jury.

And, lastly, there is the indecent episode—the episode of what they call the lad Davis. If ever you want to minimise the importance of a man, you call him a lad—he is twenty. Now, with regard to him, I want you just to consider : supposing Davis were in the dock, what a case a man who is, as far as we know, innocent of this murder, would have had against him. I make no suggestion, and have not made any throughout the case, except the one that he is the father of the child, but I ask you to consider this. Supposing a case were attempted to be made against Davis, what a case my friend, with his imagination, with his ability, could

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make of it! What a speech he could make! I wish I had the ability he has to make such a speech. He would read you those letters; he could show you the progress of the amour from the letter, "I hope she will yield," to the verses, with the request: "Burn this"—the man under the same roof, the man with the door communicating. There is the motive; the man who gives the girl a medical work, the girl who is *enceinte*. Whom does she go to for a book? That is as far as it could be taken in my judgment. Assuming Davis were there instead of Gardiner, what a case with these letters and means of access! What could be said on the other side? All he could say was this: he could call his father to prove an alibi, just as I can call Mrs. Gardiner to prove an alibi, and I ask you to extend the same consideration to Mrs. Gardiner as you would extend to him if he were unjustly accused. All eyes are focused upon William Gardiner. We cannot examine the life's history of every man in Peasenhall and Suffolk, and William Gardiner is put forward as the criminal. I suggest to you that it is obvious that the real paternity of the child rests at the door of Davis: that it is proved by the fact that he writes to her those indecent letters; it is proved by the fact that he gives a medical work; and therefore it makes it more difficult and more doubtful to establish who committed the murder. We have had a lurid light cast upon the morality of the youth of Peasenhall.

It may be that either in that village or in its neighbourhood there may be some person—it may be a tramp; I do not know who it was, we have heard of a man at the Triple Plea; it may be one of these people. I cannot say; I will not take upon myself that responsibility. I hold that my duty is to point out to you where the Crown have been remiss, where they have not been able to prove their case, and that is all my duty.

One word more with regard to Davis. That girl kept

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his letters. You have noticed in Davis's letters "Burn this." What did she keep them for? She kept them, as I suggest, for subsequent proceedings. Supposing that child had been born, and supposing she had accused Davis, those letters would have been ample corroboration before the magistrates. That is my submission why she kept those letters, and while I am on the question of letters there is this to be said: she was a girl who kept her letters, and that being the case, she kept her letters from Gardiner. You have got two letters from Gardiner. I ask you, in the retirement of your room to-night, to read those letters, and contrast them with the filthy productions of this abominable young man, and I ask you to say if you think that the letters of Gardiner are not the letters of an honest and a good man.

In conclusion, will you look also at the letter the Crown are using from the accused to the wife. It breathes the true spirit of religion. I do not want to import into this case more religion than has already been imported, but I am entitled to say this: Gardiner is a man who has walked before his fellow-men above reproach; he is a man who belongs to a religious denomination or community which believes in the patriarchal, the more primitive methods of religion, and which is not ashamed to admit and call upon the name of its God; and Gardiner all through this ordeal—through which another man has not possibly passed in the course of the last century—all through this terrible waiting he has had for a fair trial at last, I say that Gardiner through this has been able to realise that while the Lord is on his side, as he believes, "I will not fear what man can do unto me." That is the spirit: it may be the right one; it may be the wrong one. You or I may not believe in a religion that wears the heart upon its sleeves; but it is a marvellous thing that William Gardiner, unjustly accused of the murder of Rose Harsent, has had a greater power than his own to rely upon, or he would not be alive

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to-day; he would not be able to give his evidence in the box; but he will give his evidence, and when you have heard my evidence, I shall ask you to say that not only is he entitled to the verdict equivalent to "Not proven," but that he is not guilty of the atrocious charge which has been unjustly brought against him.

Evidence for the Defence.

Dr. W. A. ELLISTON, examined by Mr. CLAUGHTON SCOTT—I have heard the description given of the cuts in the deceased girl's throat. From my experience, I should say that they must have occasioned considerable spurting of blood, and not only spurting, but flowing of blood.

In your opinion, would it be possible—

Mr. DICKENS—I must object to this.

[After a brief discussion, in which his lordship took part, Mr. Claughton Scott put the question—]

From the nature of the wound, is it a fact that some small arteries must have been severed?—In all probability.

From two wounds?—Certainly.

In your opinion, had the body been moved?—

Mr. DICKENS—I do object to this. This gentleman is not coming to give evidence on a question of fact.

Mr. CLAUGHTON SCOTT—I will not press it.

Mrs. GEORGINA GARDINER, examined by Mr. WILD—Are you the wife of William Gardiner?—Yes.

When were you married?—In October, 1888.

And you have had eight children?—Yes.

How many are alive?—Six.

I think the eldest is thirteen years of age, and the next are twins aged four?—Yes.

How long have you lived at Peasenhall?—About twelve years.

Evidence for Defence.

Mrs Gardiner

Has your married life been happy?—Yes, it has been a happy one.

Has your husband been a good husband and father?—Yes.

Do you remember a scandal in May, 1901, being circulated about your husband?—Yes.

At that time was there anything the matter with you?—Yes, I was in bed. I had been confined on the 3rd May.

Did this scandal make any difference in your married life?—Not at all.

Were you satisfied of your husband's innocence?—Yes, quite satisfied.

Did you know Rose Harsent?—Yes.

How long had you known her before her death?—Some years back.

On what terms were you?—Always on friendly terms.

Used she to visit at your house?—Yes.

And after this scandal did she continue to visit?—Yes.

Did it make any sort of difference in your relations either with your husband or the girl?—No.

She was a member of his choir?—Yes.

You remember the night of the 31st of May, 1902?—Yes.

In the afternoon of the 31st, what time did your husband leave home?—About half-past two.

Was that to drive Mr. Rickards to Kelsale?—Yes.

Did you see him drive away?—Yes.

I think you had a daughter whom he was driving home?—Yes.

And did he return with your daughter?—Yes, about nine o'clock.

Then what did he do?—The child got out of the trap, and he went to put up the horse—went to the works.

What time did he finally come in?—At half-past nine.

Then what did you do?—We put the children to bed.

William Gardiner.

Mrs Gardiner

What then?—My husband sat down, took off his boots, and put on carpet slippers (produced).

What did you do then?—Got the supper ready. My husband looked out of the front door, and said: “There is a storm arising.”

Was Harry Burgess there?—That I cannot say.

When your husband came in from looking at the storm, what did you do?—We had supper.

What then?—I told my husband during supper that I was going into Mrs. Dickenson’s, as she was very nervous. She had been in ours the night before. We went into Mrs. Dickenson’s about 11.30—or from 11 to 11.30. I went first, and my husband went a few minutes after.

How long after?—As long as it would take for him to go up to look at the children. He told me they were all right.

What time would that be?—I did not look at the time. It would be shortly after half-past eleven. We remained at Mrs. Dickenson’s until half-past one, and the storm was then over. There was some thunder after, but not much lightning—the storm had passed over.

Was any remark made as you left Mrs. Dickenson’s?—She spoke about the weather, and my husband said: “You will not mind now, as it is not very long till morning.” She replied that she would not mind. It was getting quite light at twenty minutes to two.

Now, about your house. It is a cottage, is not it?—Yes.

The main entrance leads straight into the room?—Yes. We went from Mrs. Dickenson’s side door to our back door—she is a next-door neighbour.

When you go into the front room, there is a narrow staircase with no carpet?—Yes (indicating with her hands the width of the staircase).

How many bedrooms are there?—Three. The first was where my two little boys Ernest and Bertie sleep. The

Evidence for Defence.

Mrs Gardiner

second room was where the four girls sleep, and my bedroom is next.

In your bedroom there is one bed?—Yes.

Does Mrs. Pepper live next door?—Yes.

And is there a partition between?—Yes; a very thin partition. We can hear quite plainly through it, and the two bedrooms are adjoining.

You told us that you went in at the back door with your husband after leaving Mrs. Dickenson's?—Yes.

Did you go to bed?—Yes. The church clock struck two at the time we were undressing.

Had you done anything before getting into bed?—Yes. We both went and looked at the children.

You had been with your husband ever since he came from Dickenson's till then?—Yes.

When you got into bed, could you sleep?—No. As soon as I got into bed my little boy Bertie woke up.

What happened then?—I went to him.

How long were you with him?—Five minutes or more, because he cried very much.

After you came back from Bertie, did you go back to the bedroom?—Yes.

Was your husband there?—He was in bed.

Does he sleep in his ordinary day shirt?—Yes, always.

Then what did you do after; was your husband in bed?—Yes. I got out of bed again, because I had a pain in my body, and I said to my husband: “ I shall have to go and get some brandy, as I have such pains in my body,” and did so.

What did your husband say?—He said he would go down and get some for me, and I said, as I was out of bed I would get it.

I believe you are a teetotaller?—Yes.

But have brandy in case of illness?—Yes.

Where was it?—In the cupboard downstairs.

Where did you get the water from?—It was upstairs in the bedroom.

William Gardiner.

Mrs Gardiner

When you got into bed, was your husband asleep or not?—Not when I got into bed that time. I looked out of the window that time, and I said to him: “It is getting quite light.”

What time was that?—Twenty past two.

How do you know?—I looked at the clock, and I remarked to my husband: “It’s twenty past two.”

Did your husband go to sleep?—Yes; he did, but I didn’t.

Did you sleep after that?—I did not sleep till after the clock had struck five.

Did anything else happen in the night to any of the other children?—Yes; the twins woke up. I put one in bed with my husband and me, and one with the eldest girl.

Do you know what time that was?—I cannot say; but it was getting quite light.

Did the one twin remain in bed with you?—Yes, till we got up in the morning.

What time did you sleep?—Not till the clock struck five; I heard it strike, but I did not hear it strike after then.

When you went to sleep was your husband by your side?—Yes, with the little girl in his arms.

Could he possibly have left that room from the time you went to bed and went to sleep?—He could not.

What time did you get up?—Between eight and half-past.

What time did your husband get up?—We both got up at the same time.

Who lighted the wash-house fire?—He did.

What time was that?—Between eight and half-past. I heard the church bell, which always goes at eight, and we got up directly after that.

Did you see the fire?—Yes, he boiled the kettle, and I filled it.

Evidence for Defence.

Mrs Gardiner

Is it true it was alight at half-past seven?—No, we were not up till eight.

Did you see the fire lighted?—Yes, and put some wood on to make the kettle boil.

What sort of fire was it?—A small fire of wood.

What is the size of the grate?—Not a very large one.

Was there any fire bricked up on the top?—Not any.

Anything burning in it except the kettle?—No, nothing except mine and Mrs. Pepper's kettle.

I ought to have asked you—what about the doors, were they locked overnight?—Yes.

What sort of lock has the front door?—It has a lock and bar; I locked it myself.

Then did you have breakfast on the Sunday morning with your husband and children?—Yes.

I ought to have asked you—is it unusual for your husband to light a fire on Sunday morning in the summer?—No; he generally lights it on Sundays; not other days.

At breakfast was there anything unusual in your husband's appearance?—Nothing at all.

Then did he take the children to school?—He went to Sunday school with them.

What time?—About half-past nine.

Then did you see Mrs. Pepper about ten?—Yes.

And have a conversation with her about the storm?—Yes.

At that time had you heard anything about the death?—No, not then.

When did you first hear of it?—After I spoke to Mrs. Dickenson, as she was going to church. A young man came past from Mr. Newberry's, and he told me Rose Harsent had committed suicide.

Did you tell your husband?—Yes. I asked him when he came home to dinner if he knew what dreadful thing had happened, and he said: “Yes; I can't think what induced the poor girl to do such a thing as that.”

Was he upset?—No.

William Gardiner.

Mrs Gardiner

Or shocked?—No; but, of course, we were all sorry to hear what had happened.

Did your husband go to his Sunday school duties again at half-past one?—Yes, and he came home about four o'clock, and went for a walk.

Did you see anything of Morriss that morning?—Yes; Morriss and Kemp walked up the street between eleven and twelve.

How often is it your husband changes his linen?—Every Sunday morning.

Did the police come to your house on the Monday morning between ten and eleven?—Yes; Nunn, Berry, and Scott.

Tell us what took place?—Berry questioned me, and asked me my husband's—

[Here witness stopped. Mr. Wild handed her some smelling salts, and Mr. Dickens suggested that they might adjourn. Mr. Justice Lawrance, however, intimated that the witness might be examined shortly.]

WITNESS, continuing, said—Berry asked me my husband's whereabouts on the Sunday.

By MR. JUSTICE LAWRENCE—And did you tell him what you have already told us to-day up to the time of going to bed?—Yes.

Examination continued—Did you answer all the questions that were put to you?—Yes, I answered every question they asked me.

Was any question put to you as to what happened after you went to bed?—I told them that I was not well in the night.

You answered all their questions?—Yes.

Did they go away?—Yes, they went away then, and came back again about one o'clock.

I think it was Staunton, Berry, and Nunn?—Yes.

There was more conversation about the paper which no point turns upon at all?—Yes.

Evidence for Defence.

Mrs Gardiner

Did they ask where your husband was?—Yes, I said my husband was at the works.

Was anything said about the scandal?—Yes; Mr. Staunton said: “ You know, of course, there has been a scandal about your husband and the deceased girl.” I said I knew there was, but I never believed it from the first.

Did Staunton ask you about your movements?—Yes; I told them everything they asked.

You took no note of these conversations, I suppose?—No.

I think there was some talk about writing?—Yes, he showed me letter “ A.”

What did he say to you about the writing?—He asked me if my husband wrote it.

What did you say?—I told him “ No.”

Did you say anything else about the writing?—I do not remember. I said it is something like his writing.

Was it your husband’s writing, in your opinion?—No, it was not.

That was the third visit of the police?—They came that afternoon about four or five o’clock.

How many officers came?—Three of them.

Who were they? Do you remember?—Yes; Staunton and Nunn, but I could not remember whether the other was Scarf or Berry.

What did they ask?—They asked if my husband was in, and they asked first about the medicine bottle.

Where was your husband?—Sitting on the couch.

I want you to tell us about this conversation about the medicine bottle?—Mr. Staunton asked me first if I had a sister ill, and had received medicine from Dr. Lay. I told him I had, and he asked what name was on the medicine bottle, and I told him it was Mrs. Cullam. He said: “ Are you sure about that? ” and I said “ Yes.” He said: “ Could you find me the bottle? ” I went to get the bottle, but could not find it. I found two, but

William Gardiner.

Mrs Gardiner

not the one with my sister's name on it. I told them I had two bottles, but not the one with my sister's name on. He said he should have to see my sister about it, but could I tell him anything about a medicine bottle. I said I remembered at one time giving Rose Harsent some camphorated oil in a medicine bottle. I took the oil out of my bottle, and put it in the medicine bottle that the children had just finished their medicine out of.

You always get camphorated oil?—Yes. I always keep it in the house, and use it for the children.

Did you tell him what you gave it her for?—She had a very bad cold and faceache.

What did Staunton say? Anything about taking it away?—He said: “Are you sure she took it away?” I said: “Of course she took it, for I gave it to her.”

Was Nunn taking notes?—Yes, and Mr. Staunton said: Put it down, “I gave Rose Harsent some camphorated oil, but am not sure she took it.” I said: “I am quite sure she took it.”

Do you remember when you gave her the oil?—I could not just remember the date, but it was just after the children had finished the medicine out of the bottle, just after Easter. I did not take any note which bottle it was when I gave it to her.

Did four of them come at 8.30 on the evening of the Tuesday on which the inquest took place?—Only three, and Mr. Rickards.

What took place?—They asked if my husband was in, and I said “Yes.”

Were you asked for some clothes?—They asked for my husband's clothes and my knives.

Did you get the clothes?—I got the clothes and Mrs. Walker got the knives.

What clothes did you get them?—My husband's grey suit that he was wearing on the Saturday, and his shirt and vest that he had taken off on the Sunday morning.

Did you understand that was all they wanted?—Yes.

Evidence for Defence.

Mrs Gardiner

Did Staunton ask if anything had been washed?—Yes, and I told him “ No.”

As a matter of fact, had anything been washed?—No. How often do you wash?—Once a fortnight.

And when was your next washing-day?—On the next Monday, the 9th.

Then they arrested your husband, and he fainted?—Yes.

Was some brandy given to him?—Yes.

Was that from the same bottle from which you got the brandy in the night?—Yes.

And then they took your husband away, and you fainted?—Yes.

The next interview, I believe, was on 4th June?—Yes.

On that day did Berry and Nunn come for boots and shoes?—Yes.

What did they say?—They asked if my husband had any shoes besides those he was wearing when he was taken.

What did you give them?—I gave them a pair of boots and shoes.

Carpet slippers?—Yes.

And his other pair of boots?—Yes.

Are these the carpet shoes he was wearing on the night in question?—Yes.

Did they look round the house?—Berry went away with the boots and shoes, and Nunn came back and said he should like to look in my bedroom. I said: “ You can look anywhere you like. Mrs. Walker will go with you.” I went upstairs with him myself, and he went and looked all round the bedroom and down the stairs.

On Friday, 6th June, did Nunn come again?—They came on the Thursday to ask if my husband had any more clothes, and I gave them the black coat and vest. I said he had not worn them for some long time, and I did not think they wanted them.

How long was it?—For two or three years.

William Gardiner.

Mrs Gardiner

On the Friday did they come and ask for some india-rubber shoes?—Yes. I told them I had an old pair my brother gave us a week before when I was in London.

Did you fetch them?—Yes.

Where were they?—In a box of odds and ends, and I put them there, as my husband did not wear them.

Did they come again on the Saturday morning?—Yes, and asked for my husband's mackintosh. I told them they would find it at the office, as I could not see it there.

And it was found at the works?—Yes.

Have you given up all the clothes your husband ever had?—Yes.

On the 8th June they came to ask for this letter?—Yes, on the Sunday.

Did he ask whether you would give him the letter?—He said he wanted the letter that had been received from my husband at the prison, as the surgeon wished to see it. I said I did not want to part with it, as that was all I had.

Did you part with it?—Yes; I gave it to him.

Was it returned to you about a week later?—It was returned to me during the week.

Did you then consult Mr. Leighton, and in consequence of Mr Leighton did the police visits cease?—Yes.

[At this stage the Court rose, shortly before two o'clock. Just at this moment the witness fainted, and had to be removed. On resuming—]

Mr. WILD—My lord, I do not think Mrs. Gardiner is in a condition to be cross-examined; she is very ill. Shall I call my next witness?

Mr. JUSTICE LAWRENCE—The accused ought to be called first. It is not necessary by Act of Parliament, but it is the usual custom to call the accused first.

Mr. DICKENS—I understood that, but did not make any protest.

Evidence for Defence.

William G. Gardiner

MR. JUSTICE LAWRENCE—It does not matter so far as Mrs. Gardiner is concerned.

WILLIAM GEORGE GARDINER (prisoner, on oath), examined by MR. WILD—You are foreman of the Drill Works at Peasenhall?—Yes.

I think it is already known you have worked your way?—Yes.

You hold high office in the Primitive Methodist Connexion?—Yes.

How long have you known Rose Harsent?—Seven or eight years.

And was she not in your choir?—Yes.

Speak a little louder, Gardiner, please. Did you both attend the Sibton Chapel?—Yes.

And she was on friendly terms with your wife and you?—Yes; she was.

Accustomed to visit?—Yes.

Come to the scandal of May, 1901. They say the scandal that you heard about had been circulated by Wright?—Yes.

And as a matter of fact, first of all, I had better ask you, was there any truth in the story that he has told and tells us?—No.

Just tell me in your own words, and as slowly as you can, what happened on the night of 1st May, 1901, the night you were said to be in this chapel?—I had been out driving during the day, and came home at 7.30 in the evening. I went home and had my tea. Then I went back to the works to look after the horse.

What horse was that?—The one I had been driving.

What time was that?—Well, it would be about half an hour afterwards, 8.15 perhaps.

What was the matter with the horse?—I noticed when I got home he did not take his bait.

Were you responsible for the horse?—Yes.

You were over the horseman at that time?—Yes.

William Gardiner.

William G. Gardiner

Very well, go on?—I came off the works after I had been to look at the horse, and saw it was all right.

Speak louder. Yes?—Just as I got outside the works, a few yards down the road, beside the Doctor's Chapel, I saw Rose Harsent close by the gate. She called to me across the road, and asked me if I would go and lock the door for her, as she could not lock it. I went up to the chapel door, and found the door stuck, so that I had to slam it to. I locked the door, and came away with her.

Did you talk to her at all?—Yes, we were talking all the time.

What were you talking about?—We were talking about anniversary hymns.

For the Primitive Methodist anniversary?—Yes. We had a teachers' meeting to pick out hymns for the anniversary, and I was speaking to Rose about the hymns.

Is it a fact that the door went with difficulty?—Yes, I had to slam it to.

Has it since been eased?—Yes, because Mr. Crisp told me.

It was after the meeting?—Yes.

Is it true you went into the chapel at all at night?—No.

I need hardly ask you had none of this conversation taken place with Rose Harsent that Skinner has deposed to?—It is absolutely a lie from beginning to end.

Did you say anything to Wright?—Yes; I saw him a time or two since.

Where was he when you were in the Rendham Road?—The first time I came off the works, I mean against the works gate.

And when you went into the gate, where was he then?—That would be when I came from home.

You knew Wright was about?—Yes.

The next thing you heard was that these young men were speaking about you in this way?—Yes.

Evidence for Defence.

William G. Gardiner

Did you have them up at your office?—Yes.

What did you say to them?—I told them the sum and substance of what I had heard. I told them what I heard, and asked them if they had been saying it.

What did they say?—They said it was all right.

I think you said something about bringing an action? —I told them unless they tendered an apology I should bring an action against them for defamation of character.

What did they say to that?—They said I could do as I liked. They were single men; they had nothing, only what they stood up in. They said they would not give me an apology.

Did they give any reason?—Yes, they said it was true, and that was the reason why they would not give an apology. They said they would not apologise then, because if they did they would get hooted all over the works. I do not say these were the exact words.

Was there an inquiry held at the chapel on 11th May? —At Sibton Chapel.

Was that at your wish?—Yes, I requested it to be held.

That inquiry, we know, was held in the presence of Mr. Guy? Had you told the young men what really took place?—Yes.

You told them what you really had been doing?—Yes.

At the inquiry before Mr. Guy, he was in the chair?—Yes.

What number of people were present?—Somewhere about twenty.

How long did it last?—I cannot tell you the exact time; it began about 7.30, and it was late before it closed. About three hours, I should say.

Did they tell their story?—Yes.

Did you ask them questions?—Yes.

Did their times agree with what they now say?—No; they did not.

They have altered their times?—Yes.

William Gardiner.

William G. Gardiner

Were you examined?—Yes.

Did you give the same explanation you have given to-day?—Yes.

What was the result of the inquiry?—Well, I resigned my offices.

Was that at your own wish?—Yes.

I wish you would try and speak louder. I know it is very hard for you. As a matter of fact, were you re-elected to such of your offices as you cared to take again?—Yes, about a month afterwards.

Was that at the conclusion of the quarterly meetings?—Yes.

And are you still superintendent of the Sunday school?—I was till I was arrested. I believe I am practically now. They are holding the office open.

And choirmaster?—Yes.

Any other office you held?—Yes, there were several offices, assistant steward for one.

You were re-elected to these offices?—Yes.

I want to ask you one general question; has there ever been any indecency between you and Rose Harsent in your life?—No, none whatever.

Ever behaved improperly with her?—Never once.

With regard to Rouse, is it true that you were walking with her in the month of February, or at all after this scandal?—No, it is a downright lie.

Is it true that Rouse remonstrated with you, and you said you would not do it again?—I never heard a word about it.

Did you ever hear a word about it till Rouse mentioned it at the last Assizes?—Not until he was in this witness-box.

Is it true that you ever put your legs on Rose Harsent's lap in chapel?—No.

If you did, how many people could see you?—The greater part of the people in the chapel.

Evidence for Defence.

William G. Gardiner

Did Rouse remonstrate with you for it?—Never said a word.

And beyond the anonymous letter, have you heard anything about what happened in the chapel?—The letter does not mention it.

Did you, until the last Assizes, know who had written that letter?—No, I did not.

And as a matter of fact, you produced the letter?—Yes.

I will ask you about correspondence: did you ever use buff envelopes?—No, never.

And are any of the buff envelopes said to have been delivered at Providence House in the same writing as the disputed letter in your writing?—No.

How often had you in 1901 written to the girl?—I only remember writing to her twice.

And were those the two letters found in her box?—Yes.

Now, in 1902, last year, did you write to her at all?—No.

Did she write to you?—Yes.

How often; do you remember?—No; well, she only wrote once to my remembrance.

What did you do with the letter?—Simply made off with it in the ordinary course of events after I had read it.

Can you tell the jury roughly what the letter was about?—Yes, it was because a few nights previous—I cannot say how long; it might have been a week—the girl was in my house. I really believe it was the previous Sunday. The girl was in my house, and we were speaking of different things, and I said it would soon be time to pick out the anniversary hymns for 1902, and during the following week—I think it was the following week—she sent me a note to say she would not be able to help us in the choir.

Did she give any reason?—No, she did not.

William Gardiner.

William G. Gardiner

What time do you have your anniversary meeting?—In June.

That was what the letter was about?—Yes.

Are those all the letters you remember having received from the girl?—Yes.

When was the letter?—About six weeks before the meeting.

And the meeting was in June?—Yes. It might have been four weeks before the meeting.

I believe you consulted Mr. Mullens about the scandal?—Yes.

And he wrote the letters, and then advised you not to take further action, as they had nothing at all?—Yes, he did.

Those letters that you wrote to the girl in June, 1901, were sent by the brother?—Yes.

Did you ever send her a letter through the post?—Never.

Is it true that you wrote the letter “A” making the appointment?—No, I did not.

Or the envelope “B”?—No.

Now, with regard to the knife; that is your pocket knife?—Yes, it is.

What have you used it for?—It was my ordinary pocket knife. I used it for anything in the ordinary way.

Have you ever used it in connection with blood?—I have used it in connection with hulking rabbits—disembowelling and skinning them.

I must ask you to speak louder: your voice gets drowned in your beard. Do you remember at all when you last used it before the 1st of June?—About a month or six weeks previous, I cannot say.

You used it on more than one occasion for hulking rabbits?—Yes, several times.

And did you clean it?—I used to sharp it on the oil-stone.

Evidence for Defence.

William G. Gardiner

What oil-stone is that?—The one in the carpenter's shop.

Bringing you to the night of the 31st of May, 1902, we know what you have been doing in the afternoon. What time did you return from Kelsale?—About nine.

With your little girl?—Yes, I went to the works, put the horse up, and got back home again about half-past nine.

Yes?—I went indoors and talked to the children, because they had been away and were home that night, and were laughing and talking about where they had been.

Did you help to undress them?—Yes. I carried the little ones upstairs.

That is the twins?—Yes.

When the children were in bed?—I looked out of the front door, because there was a tempest rising.

And did you see anybody outside there?—Yes, I saw Mr. Burgess.

Did you have a chat with him?—Yes.

Is it true that you were there to see if there was a light in Providence House?—No; it is not true.

Then after you had had a look at the weather, what then?—I went indoors and had my supper, and afterwards went into Mrs. Dickenson's.

Do you remember what time you went into Mrs. Dickenson's?—Half-past twelve.

Half-past what?—Half-past eleven, I mean.

What time did your wife go in?—A few minutes earlier.

What had you been waiting for?—I just went upstairs to look at the children.

Because you were leaving them alone in the house?—Yes.

Then you went into Mrs. Dickenson's, and stayed there till 1.30?—Yes.

And when you left Mrs. Dickenson's what was said?—

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William G. Gardiner

Mrs. Dickenson said there would be only about one and a half hours to daylight.

That is right?—That would be about right.

Then did you go in and go to bed?—Yes.

You and your wife?—Yes.

Do you know what time you got to bed?—It was about two.

What happened after you got to bed?—After we had been in bed a little time the little boy Bertie woke up and cried.

What happened then?—My wife went to him.

And next?—She came back into bed when he was quiet.

What was the next thing that happened?—Then she went downstairs because she had a pain in her body.

Does she suffer from those pains?—Yes, she had at times

What did she go to get?—Some brandy.

Was anything said between you at the time?—Yes.

What was said?—I would have gone downstairs and fetched it for her.

Did you?—No, she was out of bed at the time.

And she got the brandy and came back to the room?—Yes.

Do you remember at all when you went to sleep?—I do not exactly know when I went to sleep. I do not remember anything further that night. Whether I lay awake ten minutes or half an hour, I cannot tell.

Do you remember the child being brought into your bed?—There was one next morning.

Did you leave your room from the time you went to bed at two o'clock until you got up on Sunday morning?—No, I did not.

Now, what time did you get up on Sunday morning?—When the church bell went at eight o'clock.

And did you light the fire—the wash-house fire?—Yes.

At once?—Yes, directly I got down—first thing.

Evidence for Defence.

William G. Gardiner

What was put on the wash-house fire?—Nothing, only firewood.

And the kettle?—Yes.

Is it true that you burned anything else in the fire?—No.

You had got carpet slippers on overnight?—Yes.

Is it true that you wore these india-rubber shoes that night?—No.

When did you first learn of the death of this poor girl?—As I was going to Sunday school that morning.

What was the effect upon you?—Well, I was shocked to hear it.

You went to your ordinary Sunday duties—went to church twice?—Yes.

Taking your children with you?—Yes.

On each occasion?—Yes.

With regard to your clothes: had you any other clothes besides those that were delivered to the police?—No.

I believe the shirt and undervest were what you wore up till the Sunday morning?—Yes.

You used to sleep in your ordinary shirt?—Yes.

Were you present at what we call the bottle interview?—Yes.

And did your wife explain to the policeman about having the bottle?—Yes.

Cross-examined by Mr. DICKENS—Had you any knowledge whatever of the death of Rose Harsent until you heard of it in going to Sunday school?—No.

Speaking generally, what time do you generally get up on Sunday?—At eight o'clock.

Invariably? Not later sometimes?—It would not have been later.

What time was it on Sunday, the 1st June?—Eight o'clock.

You were late that morning?—(hesitating) No; not particularly.

William Gardiner.

William G. Gardiner

Were you late that morning?—We might have been a little later.

Mr. Gardiner, I want to be as considerate as possible, but I must ask you to answer my questions. Your wife told us this morning how she pointed out to you that you would be late for chapel. Did you get up after eight?—(Witness hesitated again.)

Did you get up after eight?—Yes, it was after eight. We heard the church bell go before we got up.

What time did you light your fire?—As soon as we got down.

Dressed first, I suppose?—Yes, dressed first.

I suppose you must have lit your fire about a quarter-past eight?—Somewhere about that.

Will you swear to these gentlemen that on that morning the fire was not lit until half-past eight?—Yes, I would.

You would! You will?—I will. I do.

You lit it, as I understand, simply for boiling the kettle?—That's it.

For that purpose you would want a very small fire?—It would be a small fire.

It would not be a big fire?—It would be a small one.

Is it true that the fire was alight and blazing at 7.30 a.m.?—No, it is a lie.

It is a lie?—Yes, it is a lie; a deliberate lie.

A deliberate lie?—Yes, it is.

Is it true that the smoke was coming out of the chimney at seven o'clock in the morning?—No, it is not true.

There was no reason for your having a fire as early as that, was there?—No.

Do you know Stammers, your neighbour?—Yes.

Did you hear his evidence?—Yes.

That your fire was alight at 7.30?—Yes.

That it must have been alight half an hour before,

Evidence for Defence.

William G. Gardiner

and that he saw smoke coming out of your chimney.
Did you hear that?—Yes.

Is that all invention?—Eh?

Is that all invention?—Yes.

You never had any quarrel with Stammers?—No.

Can you suggest why, when you are on your trial for murder, Stammers should have invented this story against you?—No.

Do you know Stammers personally?—Yes.

How long have you known him?—Three or four years.

Have you known him on terms of intimacy?—I have known him to speak to. He was a neighbour, but we never had any connexions with one another. I knew him just to give him “the seal of day,” but no further.

Now, tell me how many shirts used you to keep?—I never had more than two. I never bought the shirts; my wife always did that, and so long as I had one to put on, I never knew whether there were two, three, or four.

Do you mean to tell me that this time you had only two shirts?—Only two, that I knew of.

I thought you said you did not know whether you had two, three, or four?—I say it is all as I know of.

But one had to be washed. Do you mean to say you only had one when the other was at the wash?—That is all I know of.

Did you sleep in your shirt?—Yes.

Did you change it when you came home at night after a day's work?—No.

Who kept your shirts?—My wife.

Where were they kept?—I do not know.

Don't know where your shirts were kept?—No.

Supposing you wanted a change?—My wife would get it.

Supposing one shirt was at the wash, do you suggest you had no change of shirt all the time?—No, I don't think I should.

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Where do you get your shirts?—My wife used to make them.

Do you mean that your wife only kept you with two shirts at a time?—I believe that is what she did.

Do you really mean to tell us you don't know how many shirts you had?—I cannot tell you. I don't believe I had more than two.

How many pairs of trousers had you? How many do you usually have?—Sometimes three.

How many coats?—About the same quantity.

Now about these india-rubber shoes. I understood your wife to tell us just now they were given to you by your brother?—By her brother.

Were they new when he gave them to you?—No.

How long before this did he give them to you?—A week.

Had you worn them?—No.

Where were they kept?—I do not know. I never saw them from the time they came.

You mean to say you did not know where they were kept?—Yes.

Now we have got to Mr. Stammers. Has he told a deliberate lie?—Yes.

Mr. WILD—I do submit, my Lord, that is not a proper form of question. A witness ought not to be asked that.

Mr. JUSTICE LAWRENCE—He said so; it is unfortunate you were not in Court at the time.

Cross-examination continued—It does not lie to Mr. Wild to make that objection, when he told Mr. Rouse to his face that the whole of his story was a concocted lie. Now we come to Rouse. Is Mr. Rouse's story a fabrication from beginning to end?—Yes.

Not a word of truth in it?—No.

Is it untrue that you were walking with a girl late at night?—It is.

Is it true that he remonstrated with you, and you promised not to do it again?—I never heard a word of it.

Evidence for Defence.

William G. Gardiner

And it is a wicked lie, because it jeopardises your life?
—Yes.

Can you suggest any motive Mr. Rouse had?—I cannot suggest any motive at all.

Mr. Rouse was a member of your church?—Yes.

You were constantly brought into relation with Mr. Rouse?—Yes.

Did he visit your house?—Once.

Did you visit his?—No.

Do you remember your wife saying on the last occasion that Rouse had ill-feeling to you because he was jealous of your position in the church—because you were in a higher position than he was?—Yes.

That is untrue, is not it?—I do not think it is.

On the last occasion, I asked you, and you said you were not higher in the church?—I do not know that I said exactly those words.

Listen to the question I put to you. “With regard to Mr. Rouse, a member of your church, do you suggest the motive he had for doing you an injury was because he was lower in the church than yourself?” You said “No.” “My friend (Mr. Wild) uses the word ‘labourer’; you do not have class distinctions in your church?” You said “No.” “You, as a matter of fact, are equal in the church?” You said “Yes.” Is that what you said?—I might have said it.

Is it true?—It is practically true, and what I have said to-day is practically true.

By Mr. JUSTICE LAWRENCE—Are you equal in the church, or not?—No.

Cross-examination continued—What did you mean by your answer to me?—Because as members of one church we reckon ourselves brethren and equal one with another, but in our official capacity I was his superior.

Do you suggest now that Rouse has fabricated this diabolical lie because he was jealous of you?—No; I do not.

Mr. Rouse is a preacher?—Yes.

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William G. Gardiner

And you are a class manager and leader of the choir?
—Yes.

Is it true, after the inquiry at Sibton Chapel with regard to Mr. Skinner, that you told Mr. Guy you had been guilty of indiscretion?—I do not know that I used that word.

Will you undertake to say you did not?—No; I won't say that I did not. I cannot tie myself to a word two years afterwards.

Is it true you told Mr. Guy you would keep clear of young women generally, and of Rose Harsent in particular?—No; I did not.

Anything of that kind?—No; because I had no reason to keep clear of Rose Harsent.

Mr. Guy was a minister in this church—the head of the circuit?—Yes.

Do you suggest Mr. Guy has any ill-feeling towards you?—No.

Take the story of Wright and Skinner—a fabrication from beginning to end?—Yes.

That you went inside the chapel?—It was a lie.

Take Wright. Do you suggest any reason why Wright should be so wicked?—I do not say he had any motive at the time they started the scandal. I do not think they thought to do me an injury. I believe these young fellows got talking about it as young fellows will do, and it got added to till it happened to get to my ears. Then I challenged them.

They were the people who started the story and spoke about it. They were responsible for the story and stuck to it at the inquiry?—It was compulsory then, for they could not go back from it; if they had done, they would have been hooted from the place.

Can you suggest any motive in Wright to start such a story?—They could not go back from it.

In this trial, when your life is at stake, can you suggest any motive why they should stick to it and deli-

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berately perjure themselves in a murder trial?—Yes, because they knew I could not prove it otherwise. They would not have come here of their own free will if they had not been forced by the prosecution.

It is their own free will whether they should commit deliberate perjury?—They are forced to do it as long as the prosecution force them to come here.

Is that your idea of what honest young fellows would do?—There is not much honesty about sticking to a tale like that.

Can you suggest any ill-feeling in either of these two boys against you?—Not till this scandal, and then they were forced to stick to it, and there has been ill-feeling ever since, and there always will continue to be.

What other ill-feeling except they thought you had been doing wrong?—No further than that they would never let it die out.

Do you know Morriss?—Yes.

A gamekeeper?—Yes.

How long have you known Morriss, the gamekeeper?—Seven years.

Have you known him well?—I know him well to see him about the place, not to have any connexion with him.

He is a straightforward fellow?—I do not know at all. I have heard nothing to the contrary.

After you went to bed, after ten o'clock, after you had had your supper, did anybody leave your house except your wife and yourself? Nobody came to your house, did they?—No.

And you did not go out of the front door, as I understand? You went to Mrs. Dickenson's back door?—Yes.

So after ten o'clock nobody either came into your house or went out of your house?—Not at the front door.

Can you account for these marks of your shoes, starting from your house to Providence House and back again?—No.

William Gardiner.

William G. Gardiner

Of course, as I understand, you had only had those shoes a week, and not used them?—That is all. No.

It was therefore probable that nobody knew you had got them?—I do not suppose anybody did know.

Now, with regard to Rose Harsent, did she come to your house?—She used to come very often. Perhaps she would come twice in one week, and perhaps would not come for a fortnight. It all depended whether she was in the mind to come.

She was only 100 yards off. There was no reason to write to her?—I think there was.

Why?—Why?

Yes, you were constantly meeting at your wife's house?—We were not meeting just then. I wanted that letter to go that day.

Why should you write about the hymns in the church, if she was seeing your wife?—I have never written about the hymns in the church.

What have you written about then?—About the scandal.

I am talking about the letter you admitted you wrote. I beg your pardon, I have got wrong. She wrote to you. What was it she wrote about?—About hymns.

What hymns?—Anniversary hymns.

Why did you have a special letter for that purpose?—Perhaps she could not get out when she wanted to know that. Therefore, she would give it to her brother, and send it to me. There is nothing in it.

When you wrote the letters to her about the scandal, where did you write them from?—From the works.

What envelopes did you use?—Blue envelopes.

Blue envelopes that were kept at the works?—Yes.

But you get these from the office?—Yes, I had them in my office.

Did you have buff envelopes in your office?—No.

Why not?—Because I never used them. They were in the principal office.

Evidence for Defence.

William G. Gardner

You had access to the principal office?—Yes, I was often there.

Did you never use the buff envelopes at all?—Never in my life.

On no occasion?—No.

With regard to Rose Harsent, you never saw her guilty of any impropriety of conduct?—I cannot say I have never seen her walking with any one, but I can say this, I have never seen anything improper between her and other men. You put the two things together.

You were brought into frequent contact with her? She was a member of your choir?—Yes.

You knew her very well?—Yes.

You must have been very much overcome by her death, were you not, when you heard the terrible circumstances? —I was shocked to hear it, and, of course, was very vexed to hear it.

Do you remember your wife's speaking to you about it?—Yes.

You did not show any emotion then, did you?—Yes, I was sorry for it.

Yes, sorry?—That is one thing.

[Mr. Dickens read the depositions of the wife as to accused's reception of the news of the girl's death.]

You were shocked as anybody would be likely to be shocked?—Just the same as any friend would be shocked.

Coming to the chapel incident on 1st May, 1901, what time was it you went to bait your horse?—About eight or a little after.

What time was it you first baited your horse on getting home?—About half-past seven, when I came with the horse, as near as I could tell.

How far are the stables from your house?—About 350 yards.

What time do you usually have supper?—About six o'clock.

William Gardiner.

William G. Gardiner

Had you had supper on this occasion?—No.

What time did you have supper that night?—As soon as I went home after I left the works and had put the horse up.

Did you rub him down?—Yes.

Did you give him his feed?—The bait was in.

Is it true you were at the chapel at a quarter to eight? —Beg your pardon.

Is it true you were at the chapel with the girl at a quarter to eight?—It could not be at that time.

What time do you suggest?—It was a quarter-past eight.

Was it a quarter to eight?—I tell you I cannot confine myself to a few minutes either way. It is a long time ago; I cannot tie myself to any time.

I do not want you to put it a few minutes either way. Was it about eight o'clock?—It was somewhere about eight.

You left the horse at 7.30?—Yes.

You rubbed him down?—Yes.

His bait was ready for him?—Yes.

You then went home to your tea?—Yes.

At eight o'clock you went back to the horse?—Yes, to see whether he took his bait. When a horse comes off a journey he generally takes his bait quickly, and when the horse did not take his bait I thought there was something the matter with him.

What did you do when you went back?—I did not do anything, because he was taking his food.

Supposing he had not?—I should have sent for the doctor.

Do you suggest at 7.30 because he did not take his bait at once, that you went back to see whether it was necessary to send for a doctor?—I went back to see if the horse was all right.

I suggest that you went back to see the girl?—I did not.

Where was the girl when she called to you to ask you to shut the door?—Just inside the chapel gate.

Evidence for Defence.

William G. Gardiner

Near the road?—Yes.

So she was within 30 yards of the chapel gate, and saw you go by, and then asked you to shut the door for her?—Thirty yards, perhaps.

It was a ramshackle place, nothing particularly valuable inside? You never went inside the chapel at all?—No, not that night.

Did you say one single word when you gave your evidence on the last occasion about Mr. Crisp easing the door?—No, I did not.

Why not?—Because the question was not put to me.

The whole question arose as to why you went there?—Yes.

Why did you not tell me before?—When I gave my evidence the last time you stopped me.

You did not say it to me, or tell your counsel?—Counsel knew it.

You were fully examined about this episode by your own counsel?—He took me through it.

And the suggestion was last time that something had been done to the door?—Yes; it had been painted.

Just before the trial?—Yes.

That was in November, 1902, and we are talking about May, 1901. That is not the point. Can you give me any reason why, when we discussed this question on the last occasion, you did not tell your counsel or myself that Mr. Crisp had said the door was eased?—The question was not put to me. It is difficult for one in my position to think of everything.

Your wife was confined on the 3rd?—Yes.

Was she about the house up to the time of the confinement doing her work as usual?—Yes.

Did you tell your wife when you got home that you had seen Rose Harsent, and that she could not shut the door?—I did not think of such a thing.

Is that the reason you gave me last time? Do you remember me asking you the question last time? Did

William Gardiner.

William G. Gardiner

you say you did not tell your wife because she was ill?—
You asked whether I did not tell my wife before.

I asked you whether, when you got home, you told your wife you had seen Rose Harsent, and locked the door for her. Your answer was: "No, I did not because she was ill." I said: "If she was ill, you could not tell her"?—I do not think so. I think you put the question to me in this way: Why did not I tell my wife before the 11th, the same night as the chapel inquiry? I believe that is how you put the question. I said I could not.

Mr. WILD—My friend must not give evidence.

Mr. DICKENS—It seems, my lord, I am wrong; it may be a misapprehension. (To witness) The girl, of course, used to clean the chapel once a fortnight?—So Mrs. Crisp said yesterday.

It was no unusual thing for her to clean the chapel?—
No, I suppose not.

With regard to this letter "A," it has a remarkable similarity to your writing?—I do not see anything remarkable.

Is Mr. Larking here to-day? You know Mr. Larking?
—Yes.

He gave evidence last time. Did you agree with what he said?—

Mr. WILD—I object.

Mr. DICKENS—It is his own witness.

Mr. JUSTICE LAWRENCE—I do not understand the objection.

Mr. WILD—It is not evidence at all. I take the point, if you are against me.

Cross-examination continued—Did you hear Mr. Larking, one of the experts, say that the writing was so like yours that he came to the conclusion that some one had forged your writing?—Yes, I did.

Do you agree with it?—No, I do not exactly agree with that, because I do not think it is so much like my writing.

Evidence for Defence.

William G. Gardiner

Great similarity?—There is similarity.

Now, then, let us have a word or two with regard to the night of the 31st May. You went out of the front door at ten o'clock?—Yes.

You did not stand in your doorway; you went into the middle of the road?—I did not know I went into the middle; I went a few steps away from the door; I think I went to the right; I will not be certain for a few yards either way. Mr. Burgess came out of Mrs. Pepper's shop, next door, which is 6 or 7 yards between the two doors, and when I saw him come out I went to him and spoke to him. I could not say exactly I went 2 yards into the road.

Is it true that if you stand in your doorway you cannot face the window of the room in which the girl lived in Providence House; but if you go a few yards to your right or left, you can see the window?—I do not know, only from the evidence I have heard since the case came on.

Why did you go outside your house?—Because there was a tempest rising.

Why did you then go out? Had it begun to rain?—Not when I went out.

What time did you say you went into Mrs. Dickenson's?—At 11.30, as near as I can tell.

When did your wife go?—A few minutes before me.

What Mrs. Dickenson said is that she went between eleven and 11.30, and that you went at twelve or 11.45—is that true?—I cannot say exactly the time; she has no reason for suggesting that particular time; she is dependent entirely on her memory, as I am.

You came back and went to bed at two? Your wife, after you had gone to bed, went to Bertie?—Yes.

That was almost immediately afterwards?—Yes.

Some little time after that your wife got some brandy?—It was directly after; I cannot say for five minutes.

William Gardiner.

William G. Gardiner

You then went to sleep?—After she had been and got the brandy.

Do you suggest you awoke when she got the brandy?
—Yes.

What time did you awake after she got the brandy?—
Seven or 7.30; it might have been six or seven.

From the time that she got the brandy until you awoke at 7.30, you did not wake up at all?—No.

One of the twins was sleeping with your wife?—Yes.

Is it true you went to sleep with the little girl on your arm?—No; I know it is not, because the child was not in bed when I went to sleep.

According to you, you did not wake up again until 7.30, and get up till after eight?—Yes; after the bell went for eight we got up.

Now, then, with regard to the knife. Is it true that at the time Dr. Stevenson saw it, you had recently cleaned it?—I might have cleaned it. If I used it for anything dirty, I should clean it.

Did you clean it?—I do not remember cleaning it.

Did you not only sharpen the blade, but scrape the inside?—I do not remember anything of the sort. I do not remember sharpening it or scraping it.

Did you after the 1st?—After the 1st of June I did not. I have cleaned and sharpened it a good many times.

Did you scrape it inside?—I do not remember doing it.

It is an important matter, and I should like to have a more definite answer?—I cannot give you a more definite answer. I never heard about the knife being scraped until I was in custody a month.

When was the last occasion you hulked a rabbit before 1st June?—About six weeks.

About May; that is rather late for hulking a rabbit, is not it—they are breeding then?—This one was breeding which I hulked, and we had to bury it.

Do you usually hulk a rabbit so late as that?—Yes, if we had got one we should.

Evidence for Defence.

William G. Gardiner

Where did you get them from?—We used to buy them from any one who might come up to the door.

I suppose you cannot tell me definitely when you last hulked one—it is more or less conjecture?—It is a conjecture. I had no idea the knife had been cleaned and scraped, and that there was blood on it till Dr. Stevenson said so, and then I had to carry my mind back. As near as I can tell it was about a month or six weeks before.

Re-examined by Mr. WILD—I always kept my knife clean. For instance, if I was standing speaking to the men in the carpenters' shop I should perhaps take it out and sharp it on the oil-stone.

I won't ask you as to the handwriting; you heard a great many opinions on that at the last trial?—Yes, rather too many!

As to your shirts, your wife sees after them?—Yes.

You have been invited to suggest motives; do you desire to suggest motives against people yourself?—No.

I think we heard something about the equality of your people. I understand you are all equal before God?—We reckon ourselves equal in the church as brothers, but with regard to officialism Mr. Rouse was not an official in our church; he was simply a member, but at the same time he was a circuit official.

In your particular church you were an official?—Yes.

It has been suggested that Wright and Skinner were trying to swear your life away?—Yes.

What is your suggestion of it?—In the first instance I do not think they had any intention of swearing away my life.

Mr. JUSTICE LAWRENCE—Your life was not in question then. You put it to him, Mr. Wild.

By Mr. WILD—Were you shocked to hear of Rose Harsent's death?—Yes, of course.

Were you upset?—Yes.

William Gardiner.

William G. Gardiner

At that time it was believed to be suicide?—Yes, it was.

Mrs. AMELIA PEPPER, examined by Mr. WILD—I am the wife of Lionel Pepper, of Peasenhall. I live in a house adjoining Gardiner's, and my bedroom is separated from theirs by a thin partition. I can hear things going on in the bedroom. On the night of the 31st May I went to bed at one o'clock. My usual hour is much earlier. I could not sleep that night because of the storm, and I heard Mr. and Mrs. Gardiner go to bed some time before two. After that I heard Mrs. Gardiner speaking—I know her step. I heard her speaking to Bertie, and then I heard her come downstairs, and then I heard Bertie scream. I got up at twenty minutes past two—I know the time because I looked at the clock—came downstairs and went to my front room. I remained downstairs till a quarter-past four, walking about during the time, and looking out of my front door a great many times. I did not hear anybody's footsteps. I was in my front room, and if any one had been passing I should have heard. I did not hear any door open or shut. On Sunday morning I had a conversation with Mrs. Gardiner about Bertie.

Cross-examined by Mr. DICKENS—You saw the police on this matter. How long have you known Mrs. Gardiner?—About three years.

Known her very well?—Yes.

When you saw the police, did you tell them all you have told us?—Yes.

Did you tell them you had heard Mrs. Gardiner's voice?—Yes.

Did you tell them you recognised her footsteps?—I told Mr. Staunton I did.

Did not you tell him you knew it was her footsteps, because she told you so in the morning?—Yes; I made inquiry of Mrs. Gardiner.

Evidence for Defence.

Mrs Pepper

Do you mean to tell these gentlemen that you told Mr. Staunton you recognised Mrs. Gardiner's footsteps?—Yes.

Did not you tell Mr. Staunton that the reason why you knew Mrs. Gardiner had come down was because she told you so in the morning?—Yes, but I knew it was Mrs. Gardiner.

Was that the only reason you gave? Do you mean to say you told them you recognised the footsteps yourself?

—(Witness hesitated, and did not reply.)

You understand me, don't you?—Yes.

Then answer?—I cannot remember.

Your statement was taken down from your own lips by Mr. Staunton?—Yes.

Look at it, then, and tell me if that statement was not read over to you, and signed by you?—(Examining the statement handed to her by counsel) Yes.

Listen to it then: "On the night of Saturday, 31st May, I went to bed about 1.30, and got up at 2.20, having just previously heard some one in Mrs. Gardiner's house go downstairs. Shortly after ten o'clock on Sunday morning I made a communication to Mrs. Gardiner, and from what she told me, I believe it was her who came downstairs." Is that true?—Yes.

Well, that is a very different statement, you know. You told Staunton you thought it was Mrs. Gardiner, "from inquiries I made in the morning." That is very different from saying you knew it in the night from recognising her footsteps. Now, is that statement I handed to you true?—I signed it.

But is it true?—Yes.

Why did you look out of your door? Why not out of the window?—Because I could not see out of my window.

Why could you not?—The blind was down.

Why could not you pull it up?—(No answer.)

What did you want to go to the door for hours after the storm was over?—It was not over. It was thundering till just on four o'clock.

William Gardiner.

Mrs Pepper

When did this storm cease?—I cannot tell you.

Why did you want to keep going to your door till four o'clock? What object was there? Did you keep opening and shutting it?—I did several times.

Did you go to other parts of the house?—Yes; I went to my back room.

Did you remain in your back room until you came and looked out of the door?—Yes.

Then, when you talk of being up till four o'clock, you mean you were in the back room?—Beg your pardon, sir.

You were in your back room?—I walked backwards and forwards.

Re-examined by Mr. WILD—Are you a very nervous woman?—Yes.

With regard to this walking backwards and forwards, your cottage is a small one, is not it, with a little back room and front room which is used as a shop?—Yes.

And there are sweets and things in the window?—Yes.

As a matter of fact, did you hear Mrs. Gardiner's voice and hear Bertie scream that night?—Yes.

And you answered Mr. Staunton and he put it down that way?—Yes.

What did you say to Mrs. Gardiner?—I asked her what was the matter with her, as I heard her go downstairs. She told me she was not well.

Mrs. MARTHA WALKER, examined by Mr. WILD—I am the wife of Mr. George Walker, Sibton. I attend the Sibton Chapel. I have known the Gardiners for about twelve years and have attended Mrs. Gardiner in six confinements. I have seen a good deal of Mr. Gardiner under all circumstances, and I have always found him most respectable in both his conversation and manners. I knew Rose Harsent. On 28th March, 1902, she was at a tea meeting, suffering from a bad cold in the chest.

Did you see her afterwards, and was she better?—She

Evidence for Defence.

Mrs Walker

told me she was, because Mrs. Gardiner had given her some camphorated oil.

Is your daughter in the choir at the chapel, and do you also attend?—Yes.

Have you ever seen anything improper in Gardiner's behaviour there?—No

If Gardiner had put his legs on a girl's lap, how many people could see him?—Nearly all the people in the church.

Cross-examined by Mr. DICKENS—Do you go to both the services?—Generally.

Do you sit in the choir?—No, the next seat.

You were first asked to give your evidence about October, I think?—Yes.

JAMES FAIRBANK, examined by Mr. WILD—I am secretary of the Norfolk and Norwich Savings Bank, and by profession a chartered accountant. It is part of my business to examine handwriting, and to detect forgeries if existing. I have had an opportunity of examining the handwriting in this case, have seen a photograph of "A" and "B," the incriminating documents, and also one of "H" and "I," accused's letters from Paris.

Will you tell the judge what class of person wrote "H" and "I"?—A person who had received elementary education, and who might have belonged to the respectable artisan class or a friendly society type of man. There is no consistent character; the alignment and spacing are irregular; spelling and grammar weak.

Is there any effort to maintain a given style of letter formation?—None whatever. I find the writer is very prolific with his "Y's," "G's," and "F's." As to the letter "A," it appears to have been written by a person who used a fairly broad-pointed pen, and under a magnifying glass it exhibits a striking uniformity

William Gardiner.

James Farbank

of style throughout. The letter, to my mind, is exceedingly legible. The alignment is practically perfect, the general spacing of the words and lines good, and the letters are well joined. That was a point I noticed which was absent from "H" and "I." I think the writer of "A" and "B" was not an elderly man, as there was a certain amount of parallelism in the downward strokes, such as had been taught in the board schools for some years.

Can you give a conscientious opinion as to your belief whether "A" could have been written by the writer of "H" and "I"?—I do not believe they were written by the same person.

By Mr. JUSTICE LAWRENCE—But could the letters "H" and "I" have been written by the "A" writer? —I hardly think so.

Examination continued—Do you consider that the method of picking out letters and putting them in parallel columns for comparison is a fair method of judging handwriting?—From a business point of view as a business man, I say that principle is not a test.

Which do you think is the fairest method of comparison, to compare the general style and character of letters or to pick the letters to pieces?—You must take the letters as a whole.

Taking them as a whole, and as a practical business man, you do not believe they are in the same handwriting?—That is so.

Have you seen writing in your experience remarkably alike by different people?—I have.

Coming to the other letters, the letter from accused, and the other letter which has been put in, do your remarks apply to them?—They apply in the same degree.

Do you notice, for example, in the letter from accused, some mistakes in spelling, irregular alignment, and the spacing which is not good?—I have.

In the letter put in at the last moment, the spacings

Evidence for Defence.

James Fairbank

are better, are they not?—I have not given much attention to it.

Just look at that?—Yes, it is better.

Do you consider the alignment is as good?—Very fair.

Do you consider that the writer of this letter could have written "A"?—I have not seen this letter.

Looking at this letter and the letter of 6th June by the accused, what do you say of the character of the handwriting?—Taking this letter of 6th June and this one, they are the same handwriting.

What about the character and the style of the writing? Is it written by a fluent writer, in your opinion?—Not particularly so.

Do you consider that the general remarks that you make with regard to "H" and "I" apply to these letters as well?—I do.

Do you consider it possible for the writer of "A" and "B" to have written these two letters?—I do not.

Or the confession?—It is hardly possible.

If a man is disguising his handwriting, would he be able to improve the character of his writing?—I contend that a man uneducated, or a man who has received an elementary education, if he tried to disguise his writing, and to produce something that was better than that, he could not do it. He could not maintain the regularity and uniformity of such a style as is exhibited in letter "A."

Supposing you had a customer who wrote in Gardiner's admitted writing, and a cheque were presented in the writing of "A" and "B," would you cash it?—Certainly not.

I think with regard to this confession letter, it is possible to pick out words that are alike with the writing of "A" and "B"?—I have done so.

But you would not give the opinion that they were by the same man?—I should be a very foolish man if I did so.

William Gardiner.

James Fairbank

Are these an illustration of the danger of that method?
—Yes, they are.

By Mr. JUSTICE LAWRENCE—They are what?—
Dangerous to pick out a few words, and to say they are
written by the same writer.

Examination continued—I think you agree there are
similarities in the writing of “A” and “B”; but
taking the letters as a whole you are of opinion they
could not be written by the same person?—That is so.

Is that your conscientious belief?—That is so.

Cross-examined by Mr. DICKENS—I understand all
you have to do is simply to look after signatures, and
see they are the signatures of customers?—Oh, no. We
have to compare letters.

What letters?—Letters received from our depositors
requesting us to make payments to certain persons or
the bearers, and if we find a letter that does not at all
compare with the writings we have in our books, we
refuse to make payment.

Of course you would. But all you have to look at is
the signature for practical working. If you found the
signature was right, you would pay, and if you found it
was wrong, you would not pay?—Yes.

With the exception of that, you have never made any
comparison of handwriting? You are not what is called
an expert in handwriting?—I have done a little bit in
that way.

By Mr. JUSTICE LAWRENCE—You mean for your own
use?—Yes.

Cross-examination continued—How much have you
done?—I have had a little experience.

How many times in your life, apart from looking at
signatures?—Well, a few.

How many—two?—More than that. Five in the
course of thirty years.

Evidence for Defence.

James Fairbank

When was the last one of these five?—I was asked my advice in the matter at the last Assizes at Norwich.

About a signature?—No, about writing.

Did you give evidence?—No, I did not.

Mr. WILD—Prisoner pleaded guilty, I think.

Cross-examination continued—So it is from your experience of five times in thirty years that you could tell what the age of a man was, whether he was young or elderly?—Oh, no. It is not consistent that the handwriting of “A” is that of a man of forty-five.

The document “A” is evidently a carefully written document?—Yes.

With a thicker pen than “H” and “I”?—Yes, that is my opinion.

And much more carefully written than “H” and “I”?—Certainly.

And does it strike you also that it is purposely written vertically?—Of that I cannot say.

By Mr. JUSTICE LAWRENCE—Why not?—I do not know that the man purposely wrote it that way. The fact is that it is.

Cross-examination continued—And you draw no inference?—None whatever.

With regard to “H” and “I,” if you got a business letter written as this is written, do you suggest that because the alignment and spacing are irregular therefore the writer of “H” and “I” could not have written “A”?—There is such a striking dissimilarity between the two documents that no business man would accept this letter as being written by the writer of “H” and “I.”

Do you mean to suggest that the writer of “H” and “I” is not a man whom you would expect to write on any occasion with regular alignment or regular spaces?—Yes.

Is not the spacing in the letter of 29th October by

William Gardiner.

James Fairbank

accused quite as good as the spacing in "A"?—Yes, I admit the spacing is.

Is it also right to say that the alignment in the letter of 29th October is practically quite as regular as the alignment in "A"?—It is very good.

Therefore, may I take it that the fact of the letters "H" and "I" not being regularly aligned or spaced is by no means any proof that the writer of "H" and "I" did not write the letter "A"?—That is a question I cannot follow. It is too involved. Having regard to the alignment and spacing of "H" and "I," I do not believe the writers of those letters could have written "A." I agree that the spacing in the letter written by accused from prison is good, but my view is that the writer of "H" and "I" could not have written "A." In "H" and "I" the words are not quite as vertical as in "A."

Do you agree it is the accumulative force of any similarities that is important?—Yes, but I can point to dissimilarities by the same methods.

And you can find dissimilarities amongst the same person's handwriting?—Yes.

Do you find similarity between the "P's" in "H" and "I" as compared with "A"?—No, I cannot.

Then I will ask you nothing more.

Re-examined by Mr. WILD—The accumulative force of similarity was not sufficient to make me think that "A" was written by the writer of "H" and "I." It is not my profession to give evidence, but it is my profession to compare signatures and writings.

HERBERT FREDERICK BAYLISS, examined by Mr. WILD—I am chief clerk of the London and County Bank, Holborn Branch. I have been engaged in the banking business thirty years, and have carefully considered the admitted writings of Gardiner, and compared them with the disputed writings, "A" and "B." In my opinion

Evidence for Defence.

Herbert Bayliss

"A" was written by a man of some education. I base this judgment upon the general uniformity of the writing, and the character shown in it. None of the other documents shows so good a character. I do not consider that the writer of the letter from the prison could have written "A." I say this on the ground of the constant experience I have had of writings.

Mr. JUSTICE LAWRENCE—I do not understand you.

Examination continued—I suppose you have to compare signatures?—An immense number of signatures and writings. The character of the two writings is absolutely dissimilar, speaking as a business man. Undoubtedly there are similarities—accidental similarities, which may easily occur between the writings of different people.

Cross-examined by Mr. DICKENS—What have you to do with the correspondence?—Read every letter and answer every letter.

But that has nothing to do with judging a person's handwriting, has it?—I based my poor opinion upon the many years' experience I have had of seeing writings.

Where did you get your large experience in handwriting?—I do not pose as an expert in handwriting.

You do not pose as an expert in handwriting?—No.

JAMES HART, examined by Mr. CLAUGHTON SCOTT—I live at Ubbeston Green, about 3 miles from Peasenhall. I am a fowl and egg dealer. On the night of the 31st May I slept at Peasenhall. I started home about four o'clock on the Sunday morning. I came down to the Hackney Road past Providence House, and up to the corner, and then turned up the Heveningham Road. I cannot say which side of the road I walked past Providence House. It was very wet.

The roads were in a very wet and sloppy condition?

William Gardiner.

James Hart

Mr. JUSTICE LAWRENCE—We have heard there was a storm all night; let us take something for granted.

Examination continued—I did not notice footprints at the crossways, or at the side of Providence House. I was wearing heavy hobnail boots; they were very nearly new.

Cross-examined by Mr. DICKENS—I understand you were passing Providence House? When you got to Providence House you turned sharp to the left?—Yes.

Then if you did so, you would keep to the left side of the road?—I do not know.

ARTHUR SADLER LEIGHTON, examined by Mr. WILD—I am solicitor for the defence, and I have assisted in two experiments as to the acoustic properties of the Doctor's Chapel. At the first experiment Mr. Bullen and Mr. Fiddler were present. It was in June of last year. We went into the chapel by turns, and I stood on the spot described by Wright and Skinner, and inside the chapel I stood approximately between the harmonium and the window. One member of the party was stationed outside, near the hurdle where the young men said they stood. We picked up a hymn-book and read alternate verses in the voice in which I am speaking now. It was arranged that the person outside should not know what was going to be said inside. We tried the experiments with the ventilator closed and opened; when I was outside I heard a murmur, but I found it impossible to distinguish a word. I made a further test in November, a week before the trial, in company with Mr. Corder and Mr. Parmenter. The same conditions were repeated, and exactly the same course was adopted as on the previous occasion. No conversation could be distinguished if it was in an ordinary tone of voice.

Have you noticed anything different in the painting of the door since you have been engaged in the case?—

Evidence for Defence.

Arthur Leighton

Yes, on the first occasion of my visit there were signs of the edge of the door having been planed.

You went in soon after the arrest of Gardiner?—Before the trial the door had been painted.

I believe it is a fact that the notice of the character of Rouse and Stammers's evidence was served upon you at the last moment, just before the last Assizes?—

Mr. JUSTICE LAWRENCE—There is nothing to complain of in that.

Mr. WILD—No, my lord.

Mr. JUSTICE LAWRENCE—Then why bring it up?

Examination continued—Did you notice in going about Peasenhall any marks of india-rubber shoes?—Yes, near the school.

Cross-examined by Mr. DICKENS—Where is the school?—It is between Darsham and Peasenhall.

When did you see the marks?—Early after the inquest, when I had got Morriss's evidence.

About the planing of the door, was the door painted when you saw it?—The edges were not painted when I first saw the door.

When was it you first saw the door?—At the time of the inquest or magisterial proceedings.

Would that be about June, 1902?—Yes, it would be about that time.

What did you see?—I saw then that the door had been planed.

When did you see it was painted?—It was certainly painted in the latter part of October or early in November.

Had you called attention to the fact that it had been planed?—Yes, to Mr. Crisp.

JOHN SHEWELL CORDER, examined by Mr. CLAUGHLTON SCOTT—I am an architect, and have made a plan of the Sibton Chapel. It is about 31 ft. in length, and the

William Gardiner.

John S. Corder

breadth is 21 ft. It is easy to see all over the chapel from any part. On the 3rd November I went over to Peasenhall with Mr. Parmenter and Mr. Leighton, and assisted Mr. Leighton in the tests he then made. In the first instance, I stood by the hurdle, Mr. Parmenter and Mr. Leighton being inside. They commenced talking alternately. I could hear they were talking, but could not understand what they were saying. I went inside afterwards with Mr. Leighton, and we conversed in an ordinary conversational tone of voice. The ventilators were both open and shut. Any one sitting where Gardiner did in the chapel could have been seen all over the chapel.

JAMES SIDNEY PARMENTER, examined by Mr. CLAUGHTON SCOTT—I am a quantity surveyor at Ipswich, and was present on 3rd November, with Mr. Corder and Mr. Leighton. I can confirm their statements. I could hear a murmur of voices, but no coherent conversation.

ABRAHAM J. GODDARD, examined by Mr. WILD—I am a lay Primitive Methodist preacher. I have known Mr. Gardiner for fourteen or fifteen years, and have never known anything against his character. I was present at the quarterly meeting, after the Sibton inquiry had been held, but I was not at the inquiry itself. Mr. Guy reported to the quarterly meeting the case of Mr. Gardiner, and told us to investigate the matter. He gave us to understand—

Mr. DICKENS—No, no. Use his language, please.

Examination continued—What did he say?—He said he had investigated the matter of Sibton Chapel, had thoroughly examined the witnesses, had found that they contradicted themselves over and over again, and believed it was nothing but a trumped-up affair and a fabrication of lies. Between the inquiry and the quarterly meeting, Mr. Guy told Mr. Tripp and myself about the same that he told us afterwards at the meeting.

Evidence for Defence.

Abraham J. Goddard

Cross-examined by Mr. DICKENS—When were you first asked to give evidence before the last Assizes?—I did not have any intimation until the Saturday—whilst the trial was going on.

About sixteen months after the event?—Yes.

As far as you were concerned, the thing dropped, and passed out of your mind altogether?—Well, of course it did. The scandal had died out, and we heard nothing respecting it till this murder case came on.

Did not Mr. Guy say to you: “We would rather believe the two inside than the two outside”?—Yes.

Then, do you mean to say he also said it was a fabrication?—He did.

Did not he tell you they had been in a dilemma?—He did say that.

Was not the dilemma that there were two on each side?—I dare say it was.

I suggest that Mr. Guy said: “We are in a dilemma; there were two against two, and we would rather believe the two in than the two out”?—I do not deny it.

Did he go on to say they had contradicted themselves over and over again, and that their evidence was a fabrication of lies?—He said that.

Re-examined by Mr. WILD—Gardiner offered his resignation?—Yes.

If they had believed the charge against him, would he have remained in his position in the chapel?—No; he would have been expelled, and not allowed to teach the young.

WILLIAM FREDERICK CRIPP, examined by Mr. WILD—I am an agent of the Prudential Insurance Company, and am a local preacher of the Primitive Methodist Connexion. I remember there being a Sibton Chapel inquiry in May, 1901. I was not present, but I accompanied Mr. Goddard and Mr. Guy on the road from

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Wangford to Halesworth, on 26th May, following the inquiry. When we were returning from Wangford the subject of the scandal was discussed, and Mr. Guy distinctly stated to us: "In my opinion, it is a pure fabrication of lies. The young men contradicted one another, and I do not think there is anything in it." If we had thought there was anything in it, we should have allowed Gardiner's resignation to have been accepted. We should not have allowed a man to remain in such a position against whom such a thing could be believed. I have known prisoner twenty-eight years, and I never knew him do a mean thing in my life.

Cross-examined by Mr. DICKENS—Did you give evidence at the last trial?—No.

When were you first asked to give evidence?—On 15th January of this year.

On the 15th January, 1903, you were first asked to give evidence as to what took place in May, 1901?—Yes.

Did you read of what took place last time?—Certainly. Day by day?—Yes.

Where do you live?—Halesworth.

It does not take very long to get from Halesworth by rail to Ipswich?—No.

Did you suggest that you should give evidence last time?—No.

I suppose you read Mr. Guy's evidence the day after it was given, in the paper?—I did.

Did you read what Mr. Guy said when he was called before the magistrates?—Yes.

According to you, Mr. Guy had said something which was inaccurate?—It was.

And you knew it at the time?—I did.

That was in June?—Yes.

Why did not you communicate with Mr. Leighton?—I did not think it was necessary.

Evidence for Defence.

William F. Cripp

Why not?—I did not think my evidence was of importance as regards the trial.

Did they come to you, or did you go to them?—They came to me. It is not a nice thing in any case to have to appear against one of my former ministers.

But when one of your fellow-churchmen was on his trial for murder—when one of your fellow-churchmen was in danger of his life?—I did not communicate with the defence because I did not think my evidence was of importance.

Do you mean to suggest that when your fellow-churchman, whom you have given the highest credit, and whom you have known for twenty-eight years, was on his trial for murder, you were influenced by the fact that it was not nice to be against Mr. Guy?—I was not asked to come and give evidence.

Surely that was a very wrong reason?—I do not think so.

You say that Mr. Guy said they contradicted one another?—Yes.

Was it that Mr. Guy said the evidence was contradictory?—Yes.

Was not that what you mean by saying that Mr. Guy said they contradicted one another?—No.

Are you prepared after all these months to swear that what he said was not that the evidence was contradictory?—He did not say that.

There is very little difference, you know. Did he say they were in a dilemma?—He never used the term.

Did he say anything about they would rather believe two in than two out?—He never mentioned it.

Mr. Goddard was there?—Yes.

NOAH ETHERIDGE, examined by Mr. WILD—I am a farmer, and I live at Westwood Lodge, Blythburgh. I am a local preacher of the Primitive Methodist Connexion. I was not called at the last inquiry. I had

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Noah Etheridge

communicated with the defence, but I was not at home when the telegram came. I was present at the quarterly meeting which followed the meeting at Sibton Chapel. The conduct of Gardiner was a matter which had been agitating our community, and Mr. Guy, I knew, had held an inquiry.

What did Mr. Guy say as a result of his inquiry?—When he was asked by the officials at the meeting, he said he believed it was a trumped-up affair, and believed Gardiner was as innocent as he was.

Did he say anything in regard to the statements made by Skinner and Wright?—I did not hear him.

Assuming there had been anything in it, what would have been the result?—We should have suspended Gardiner.

By Mr. JUSTICE LAWRENCE—The case was brought up for you to deal with?—It was brought up so far that if there had been a case we would have dealt with it.

Examination continued—As a matter of fact, you were not trying the case, but supposing there had been, if there had been any doubt about it, would you have allowed Gardiner to continue in office?—Certainly not.

How long have you known accused?—For ten years.

What do you say as to his character?—Good; I have never known anything wrong of him in my life.

Cross-examined by Mr. DICKENS—How long before the last trial did you communicate with the defence?—I cannot say.

Mr. WILD—About a week before.

Cross-examination continued—Were you at the quarterly meeting?—Yes.

At the quarterly meeting did Mr. Guy say they were in a dilemma?—No, that was not the word.

Did Mr. Guy say the evidence on the one side and on the other was contradictory?—He might have said so, I forgot.

Evidence for Defence.

Noah Etheridge

Did he go on to say that the evidence being contradictory, they were in a dilemma?—No.

Did he say they would rather believe two in the church than two out of it?—I believe something to that effect was said.

Did he say they were in a difficulty?—He said, in bringing it to a close, that he believed accused to be an innocent man, and it was a trumped-up affair.

SAMUEL GODDARD, examined by Mr. WILD—I am a local preacher of the Primitive Methodist Connexion. I was present at the quarterly meeting which followed the Sibton Chapel inquiry. Mr. Guy said that the case in connection with William Gardiner was a trumped-up fabrication of lies—that is what he believed it to be. I have known Mr. Gardiner four years. I have always found him straightforward.

Cross-examined by Mr. DICKENS—What else did Mr. Guy say?—He said he believed that Mr. Gardiner was entirely clear.

Anything else?—No.

Cut it short?—Yes; that is all he could say.

Did he say he would rather believe two in the church than two out?—I believe he did.

That is something more; be a little careful. Why did not you tell us that?—I forgot it.

That is a rather curious thing to forget?—I forgot it entirely.

Shows your memory is pretty bad about it?—It may be on that point.

When were you first asked to give evidence?—Yesterday.

Did Mr. Guy say they were in a dilemma?—I do not remember it.

May I take it that your memory is very bad as to what took place at the quarterly meeting?—I do not know.

William Gardiner.

George E. Fiddler

GEORGE EDWARD FIDDLER, examined by Mr. WILD
—I am a farmer of High House Farm, Peasenhall. I have known accused about two years, and have attended the same place of worship. I am a Sunday school teacher at Sibton. If I did not believe him to be innocent I should not have been here to-day. I have done all I can to help him.

Do you remember the scandal of 1901?—Yes.

Were you present at the Sibton inquiry?—I was.

What was the result of the inquiry?—So far as I am concerned, I believed him innocent of it. So far as Mr. Guy is concerned, he told me on the Sunday following, when we met the young woman and her mother, that he believed it was a trumped-up story.

What was Mr. Guy's report of the quarterly meeting?—He said the brethren wished to reinstate Gardiner in all his offices.

And he was re-elected to the offices?—Yes.

Do you remember the morning of the murder?—I do.

You were at Sunday school, and accused was there?—Yes, that was where I first heard of it.

Who told you?—Accused told me.

How did he seem affected by the news?—As much as I was—I was shocked. I saw nothing different in his conduct.

Cross-examined by Mr. DICKENS—Did Mr. Guy take the view that he would rather believe two inside the church than two out of it?—Yes; but at the time of the inquiry he was perfectly satisfied.

Perfectly satisfied upon the evidence?—Yes, upon the evidence.

Did Mr. Guy point out that they were in a difficulty because there was contradictory evidence?—No, he did not.

Did you say at the last trial that Mr. Guy said it was a trumped-up affair?—No, I did not.

Why not?—That I cannot answer. It did not come into my memory.

Evidence for Defence.

George E. Fiddler

Why has it come to your memory now; have you been speaking to some of your friends?—No.

Re-examined by Mr. WILD—I have never been asked previously as to what Mr. Guy said. I have come from a sick bed to give evidence.

Mr. WILD—My lord, subject to the cross-examination of Mrs. Gardiner, this concludes the case for the defence. I hope Mrs. Gardiner will be in a fit condition to be cross-examined to-morrow.

Mr. DICKENS—Will your lordship allow me to say that it is only fair to a gentleman whose name has been prominently brought forward in this case with reference to the anonymous letter that that gentleman should be present in Court, because he has been brought here right away from Burton in order to show that he had no connexion with it, and nothing to do with the anonymous letter.

Mr. JUSTICE LAWRENCE—You mean Goodchild?

Mr. DICKENS—Yes, my lord.

Mr. JUSTICE LAWRENCE—I ordered him to come. I intended to put him in the box myself at the end of the speeches. It was my doing, because I thought the man should have an opportunity of answering any suggestions that might be made. It is only fair to him.

Mr. WILD—I hope I have said nothing, my lord, I ought not to. I did not mean to say anything.

Mr. JUSTICE LAWRENCE—if you do, he will be called; if you don't say anything, he will not be called. His name was mentioned, and it is very unfortunate.

Mr. WILD—By Staunton.

Mr. JUSTICE LAWRENCE—I thought it was very hard upon the man, and I immediately communicated with the police, and told them to have the man here.

Mr. WILD—I hope I have made no improper suggestions, my lord.

(The Court adjourned.)

William Gardiner.

Fourth Day—Saturday, 24th January, 1903.

Mr. WILD—May I put a question to Mr. Leighton or Mr. Corder—a question I put at the last trial, but omitted to put on the present occasion?

Mr. JUSTICE LAWRENCE—Yes.

ARTHUR S. LEIGHTON (recalled), examined by Mr. WILD—I forgot to put to you when you concluded these two chapel tests, whether any experiment was made with regard to shaking the windows?—Yes.

What did you do to the window?—We endeavoured to shake the window by sitting suddenly on the seat by the side. We could not shake it. The only method of shaking the window was by striking the window-sill.

And with regard to the seat under the window, it is a firm seat?—Yes, it is a fixed seat.

NOAH ETHERIDGE, examined by Mr. WILD—I believe you have seen Mrs. Gardiner this morning?—Yes. I have just come from where she is, at the lodging-house where she is staying.

Did you put her into a cab?—They had gone to fetch a cab, and she went into hysterics.

Will it be possible to bring her?—No, not in her present state.

Was she four hours in the same state of collapse, lying on the table of the waiting-room yesterday afternoon?—Yes.

In the condition you left her, would it be possible to move her?—No, unless she speedily recovers. She was taken about ten minutes before I started; they had gone for a cab for her.

Mr. JUSTICE LAWRENCE—Is she in the town?—Yes, my lord.

Mr. WILD—She shall be brought, ill or well. Send a doctor to her at once.

Evidence for Defence.

Mrs Gardiner

Mrs. GEORGINA GARDINER, re-called and cross-examined by Mr. DICKENS—On the night of Saturday, 31st May, you say you did not go to sleep till five or six o'clock?—Not until five in the morning.

What time was it when you woke up?—(No answer.)

What time did you wake?—Eight o'clock.

What time did you get up?—Between eight and a quarter past.

You got up as soon as you woke?—I got up between eight and 8.30.

As soon as you woke?—Yes, I woke about eight o'clock.

Was not your husband up before you got up?—No, he was not.

Did he not light the fire by himself in the wash-house?—We both got out together to dress, and my husband lit the fire, and as he was doing that I filled the kettle and took it up.

Was it 8.15?—The bell went at eight, and it was between that time and half-past.

Was not the fire lit between seven and 7.30 in the morning?—No; there was no fire lit between seven and half-past in the morning.

You know Mr. Stammers?—Yes, I do.

He says he saw the fire blazing brightly at 7.30, and it must have been lit half an hour before that?—That is false.

Of course, there would be no reason in the ordinary course of things to light the fire as early as that on a Sunday?—We never lit a fire that Sunday morning until after eight o'clock.

There would be no reason, in the ordinary course of things, to light a fire so early as seven or 7.30?—There never was one lit.

I suppose you generally got up on Sunday at the same time, more or less?—That all depends; we get up at 7.30 and perhaps eight.

William Gardiner.

Mrs Gardiner

Now, you say you never slept the whole of the night of 31st May until five or six o'clock in the morning?—No, I did not until after I heard the church clock go in the morning.

What time did you get up on the Saturday morning?—On Saturday morning?

Yes?—About seven o'clock.

And you did not go to bed till two?—No; two o'clock.

And although you got up at seven, and went to bed at two, you never closed your eyes till five in the morning?—I did not sleep.

You say it was on account of the storm?—Yes, and having pain in my body.

What time did the storm cease?—The storm ceased when we left Mrs. Dickenson's, the worst of it. There was a little thunder and lightning after that.

It was most over?—The heaviest of it was over.

Had there not been a storm the night before?—During the evening of the night before.

Did you sleep well the night before?—I had nothing to keep me awake; I was very well.

How many shirts has your husband?—My husband had two shirts.

Was that all you ever got for him?—That was not all he had had, but he had had only two for weeks.

Generally, how many had he?—The two, and no more.

Generally, and not at this particular time?—He had two, one clean and one off; that is all he wants.

You say sometimes he had three?—It was at the early part of our married life. He has had only two for a long time.

One for wearing and one for washing?—Yes.

What happened when he got wet?—He had to get dry again.

Had he anything in the shape of a dressing-gown?—No, he never had.

How many trousers had he?—How many trousers?

Evidence for Defence.

Mrs Gardiner

Yes?—Only what I gave the police. I used a suit of his a week before Easter, and made my boy a suit of it. I showed the police that.

Was that a light brown suit?—Yes, I showed it to the constable, and that I had turned the clothes.

How many coats had he?—The coats I gave to the police.

Where did you get his shirts from?—I got them from the bedroom cupboard.

Did you buy them or make them?—I always made his shirts.

Did he have two shirts when he went to Paris?—Yes; he only wanted two. He had one on and one he took with him.

Where were the india-rubber shoes kept?—In the tin box in the bedroom.

Did you take them from that box when you gave them to the police?—Yes.

In your evidence about what took place on the night of the 31st, when you went down to get some brandy, you said: “I got out of bed and told my husband I shall have to go and get some brandy.” You never said that when you gave your evidence last night?—I did not say that.

Are you sure you said at the last time: “After I came back my husband was in bed. I afterwards got out and told my husband I would get some brandy. My husband said he would go.” I suggest you did not say a word about that when you were examined last?—What? Did I say what?

(Counsel repeated the question)—If I did not say it I knew it.

What time did you suggest you went to Mrs. Dickenson's that night?—About half-past eleven, I should say.

Am I right in saying you told the police: “We went at eleven and stopped till half-past one”?—I did not say to the police the exact time. I said from eleven to

William Gardiner.

Mrs Gardiner

half-past. I told them my husband came shortly after, the same as I told you when I gave my evidence at the last trial.

Half an hour afterwards?—No, a very few minutes after. •

Do you mean he almost followed you in?—I told you what he did. He went upstairs to look at the children.

Would that be five minutes after at the outset?—Yes.

Now, Mrs. Gardiner, I see you said in your evidence yesterday, at an interview at which Inspector Berry was present, you told the police you were not well in the night and did not sleep till five or six in the morning. Now, I suggest to you you never said a word of that to the police?—I did.

Who was it you told?—I do not know. I told some of them, but they came so often I cannot remember.

Do you remember I asked you last time if you had told any one you told the police?—I told you I answered all the questions the police asked me.

Is this substantially correct?—I told Mr. Staunton I was not well, and was awake up to five or six o'clock.

Have you suggested before to-day that you told the police that?—No, I have not said that; I have never been asked.

Is to-day the first time you have said to anybody you told the police that?—I might have made the statement before.

Did you tell your husband's solicitor you told the police that?—No, I did not.

Now, Mrs. Gardiner, I understand that you pledge your word that you told Mr. Staunton you did not get to sleep till five, and that you had pains in your body?—I told Mr. Staunton I was not well that night.

And that you did not sleep till after five?—I have said it before, and it is true.

Rose Harsent, of course, was constantly at your house? —Not constantly; she came when she liked.

Evidence for Defence.

Mrs Gardiner

You never saw her guilty of impropriety with any man?—No.

Of course, if your husband had walked out with her, you did not know it?—My husband never did walk out with her.

You cannot say that, but, of course, you believe in your husband?—Yes, I do.

Now, you know what Mr. Rouse has told us. He saw your husband walking out with her away from home, and he promised never to do it again. Did you at the last trial say that Mr. Rouse had deliberately concocted that story because he was jealous of your husband's position in the church?—Yes, I did.

Re-examined by Mr. WILD—Did the police come to you a great number of times?—Yes, they did.

And did you answer every question they asked you?—Yes, I did.

At first the theory was that the murder had been committed about twelve o'clock. Did they only ask you for information up till that hour?—Yes.

Your husband's wages were twenty-six shillings a week?—Yes, they were.

And you had got him and six children to keep?—Yes.

If Stammers could see this fire, could all your neighbours see it too?—Yes, every one could see it.

You had believed in your husband?—Yes.

You still believe in him?—Yes, I do.

Closing Speech for the Defence.

Mr. WILD—We are now about to enter upon the last scene of all that ends this strange, eventful history, and it is with the feelings of keenest responsibility and the greatest pain that I rise to say the last word that shall be said on behalf of the accused. Assuming that you take the view that is urged upon you by the prosecution,

William Gardiner.

Mr Wild

they will be practically the last words spoken for him upon earth. I shall endeavour, and I think you will bear me out that I have more or less succeeded throughout this painful case, and more particularly when I was addressing you in considerable detail yesterday morning, to leave out all expressions of sympathy, anything that might tend to divert your minds from the real practical issue; and I can assure you that it is extremely trying for an advocate, conscious of the terribly painful nature of the circumstances in which he is addressing the jury, and pleading for a man's life—I say it is very difficult for me to address myself to the case as if it were an ordinary matter, such as is usually discussed in Courts of Law. But I have felt that my client stands a greater chance of an acquittal if his case is put before the jury as calmly and as dispassionately as may be, and if before I commence my final speech I draw your attention shortly to the terrible nature of the task that you and I are called upon to perform, believe me, gentlemen, that is not because I desire that sympathy should warp judgment, but because I am entitled to crave in aid of the accused the fact that you are called upon to give a verdict which is the most solemn that can be given by any twelve citizens of this realm. What this means to this man, I suppose, no human being can appreciate. It means to him not only life—I do not know that his life, blasted as it has been by unjust suspicion, as I represent to you, I don't know that his life is of very great value to him—it means to him honour, it means to his wife and family—his wife whom he has loved, his family whom he has brought up in the fear of God—it means to them everything that can be said or can be imagined by the tongue or the mind of man. It means: shall it go forth to the world that this poor country girl, who has staggered from her illness in order to face the ordeal of cross-examination, is the wife of a murderer; and are these poor helpless

Closing Speech for the Defence.

Mr Wild

children to be branded for all time as the children of a man who has committed such a dastardly crime as that which you are investigating here to-day?

I say no more about it. I shall now endeavour—having merely endeavoured to indicate the nature of the responsibility that is thrown upon your shoulders—to assume the same quiet and deliberate tone of addressing you that I assumed yesterday, and I shall ask you to follow this case through its final stages with that attentive care, with that desire to see justice, which no one can address you without knowing permeates the whole of that jury-box. May I finally, as a preface, say this: that I do thank you, all of you, on behalf of this unhappy man, for the care with which you have followed the case and listened to the speeches which have been addressed to you, and, knowing how important it is that this matter should be finally concluded to-day, knowing the extreme inconvenience that you and all of you will suffer, supposing the trial be unduly protracted, all I propose to do is practically to address myself to the cross-examination which was administered by my friend to my witnesses, and not, if I can help it, go over the ground which I so fully traversed yesterday morning.

Gentlemen, my friend has the reply upon me. The reply, I know, is a terrible weapon, and in the hands of an advocate like my friend a weapon that might well be feared, but such is the course of our judicial proceedings, and, therefore, all I can do is this: I can briefly point out to you the evidence to which you have already listened, and I can judge, as far as possible by the questions administered by my friend, the nature of the speech which he will address to you. Before, however, I commence dealing with the cross-examination, I want to say two things. In justice they ought to be said. The first is with regard to what has been called the confession letter. I am in your

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Mr Wild

hearing, and in the hearing of my lord, and believe me, that anything I said, anything that I insinuated in my first speech was not intended to convey the suggestion to your mind that I bring any sort of charge against Albert Goodchild. I did not import the name into the case; the name was imported by the superintendent; but if there is any doubt upon the matter at all, I say it now, and I say it advisedly, with the full sense of responsibility, that as far as the defence is concerned there is no sort or shadow of suggestion that Albert Goodchild committed that murder. The only way in which I used that letter, and the only way in which it may be useful still—I don't know, because the confession letter is very often the emanation of a lunatic—is that it is a curious circumstance that the man who wrote that letter, who was obviously not Gardiner, and equally obviously not Goodchild, should have got hold of circumstances which could be verified, and my suggestion is, and I throw it out for what it is worth, that it is possible there may be some person who, having committed that murder, in fact, is desirous to save an innocent man, and, therefore, while he cannot give himself up to justice, is endeavouring not to implicate an innocent man. Secondly, with regard to the young man Davis, I have never suggested that Davis committed that murder. I consider, gentlemen, as I said to you yesterday, that it is no part of the duty of counsel for the defence to endeavour to take upon his shoulders responsibilities that the law does not attach to him. I have to show you that Gardiner is not proved to have committed that murder. That is all I have to show. And the only way in which I have used Davis's letters and the cross-examination of the young man was to show you first what a terribly *prima facie* case might have been made out against another innocent man assuming he had been in the dock; and, secondly, to ask you to say that the whole tone and

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tenour of those letters, coupled with the medical work, tend to the conviction that Davis was in fact the father of that child.

Now, yesterday evening we called before you a number of witnesses who may be described as the elders or lay preachers of the Primitive Methodist Connexion in the neighbourhood of Sibton and Peasenhall, and I do ask you to give considerable attention to the evidence that these five gentlemen gave. They were Mr. Fiddler, the farmer, of Peasenhall; Mr. Samuel Goddard, farmer; Mr. Etheridge, farmer; Mr. Cripp, the insurance agent; and Mr. Abraham J. Goddard. These five men, who have the honour of their Connexion at heart, have come forward without fee or reward, at considerable personal inconvenience — Mr. Fiddler struggling up from a bed of sickness—for what purpose? Do you think they came here to tell you what was not true? They came here to show you, gentlemen, that this man William Gardiner bears a character such as any man in this Court might be proud to bear, and I do draw your attention to a contrast that might very well be drawn between the demeanour and evidence of these five men, and the demeanour and evidence of Henry Rouse, the roadman. I ask you to say that the contrast is distinctly in favour of these fathers of their Primitive Church; these men imbued with the principles of Christianity; these men who we know are fair examples probably of their Huguenot ancestors who settled in East Anglia, and in their rough and ready way serve their God, and men who would not be dragged into this case by any means did they not believe that the man at the Bar was innocent, did they not believe that he bore a character, and still bears a character, which is above reproach.

There was another important point that was elicited from the examination of these witnesses, and that is this. It was elicited that the Rev. Mr. Guy

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has quite changed his attitude with regard to Gardiner. Remember what this chapel scandal meant to the church! It meant everything. It meant, as I said to you yesterday, that if there were a real doubt about his guilt or about his innocence he could not be allowed to teach at the Sunday school, or to take part in the services of the church, and yet you have it from five men, five unimpeachable witnesses, that the matter was investigated, and that Mr. Guy said to them all that the thing was a trumped-up story, a fabrication of lies, and that the young man's story would not bear investigation for a single moment. It shows this, that Mr. Guy has been unconsciously influenced by the prejudice—whether exhibiting itself in waxworks or in the press, or in whatever way—by the prejudice which was excited during the five months this man awaited his trial, if it can be called a trial. Mr. Guy did not believe a word of it at the time he reported it to these five witnesses, and it is only since this unhappy man has been accused of this murder that a scandal, which was not believed by a soul in responsibility, has been renewed, and people say: "Can there have been anything in it after all?" I ask you to say that scandal can be eliminated from this inquiry, for the simple reason that the very people whose duty it was to investigate it discovered there was nothing in it in their judgment, and the man was allowed to retain the responsible posts which he had hitherto occupied with honour to himself and the community to which he belonged.

There is another point which I forgot to deal with yesterday morning, and I think it is a point my friend has quite unintentionally strained too far against Gardiner. He has suggested to you that at the interview with Mr. Guy that succeeded the chapel inquiry on 11th May, 1901, Gardiner admitted indiscretion. You heard Mr. Guy cross-examined. Perhaps I cross-examined Mr. Guy, perhaps I cross-examined other

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witnesses, too severely. You will not punish Gardiner for any over-eagerness or over-zeal I may have displayed. One is anxious to bring out every point, and if I have laid stress upon any matter too much, I ask you to visit it on me, not on him. Mr. Guy admitted that the whole effect of it was this: Gardiner had denied the matter; he was explaining to Mr. Guy the reason why he did not propose, under the advice of his lawyer, to proceed with this slander action against these young men, young men with twelve shillings a week. And then Mr. Guy said to him words to this effect: "You cannot be too careful with regard to women. Even I—even I, Guy, a man holding my high position—even I have been unjustly accused in my time of indiscretion. Your name may be linked with a woman and you cannot be too careful." Then Gardiner said: "I will be careful." Guy said: "You had better not be seen with the girl." Gardiner said: "No, I won't, as there are censorious people about, and I am not going to run the risk of having my name coupled with her's." I do not think my friend ought to take that point as any kind of admission on the part of Gardiner, who has all along protested his innocence, who tendered his resignation if there was any doubt, and who has been reinstated and allowed to continue in his positions. I think a false impression has got abroad about Gardiner's reception of the news of the death of the girl. He heard about it on the Sunday morning when he got to the chapel to take the Sunday school, everybody believing, the doctor believing, the police believing that the unhappy girl had committed suicide. "Was he upset?" was the question put. He was not upset. That is to say, he did not show any appearance of guilt. He was shocked as anybody else was shocked. As Mr. Fiddler said: "He was shocked in the way we were all shocked." It was a terrible thing to happen. He went through his duties as the others went through their duties. He went

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through his arduous duties, and there was over the Sibton congregation that subdued thrill and hush that comes when death enters into a community, particularly a small community. I don't think any point ought to be made against Gardiner that he did not show undue emotion. The man takes his children to church—this murderer, this man represented as getting up in the night to commit an awful murder—he takes his children to church three times, and goes through his ordinary duties like Fiddler and the rest of them. He must indeed be a callous murderer if that is so. You are entitled to take it into consideration whether it is possible that a man could be such an actor as to go through these duties in that way, assuming him to have committed that horrible bloody murder. I do not want to say much more about Hart. His evidence is important, because Hart had to traverse 16 yards past Providence House, so that he would pass the Crisps' house, and turn up the Helmingham Road. The observant Mr. Morriss was going in the other direction, and though Hart had nailed boots his footprints were not observed by Mr. Morriss. The road was wet—wet through—and it will be for you to say whether shoes like that could have possibly left an impression that must have been made about two in the morning, and that Morriss says he saw at five o'clock, although he did not see Hart's footsteps either then or afterwards. I suggest to you, coupled with the fact that Morriss never communicated with the police, that it is simply talk—just as Stammers saw the fire. It is rather a nice thing to be dragged into a case like this as the prosecution's witnesses, and to have one's expenses paid. You come along and—quite honestly—you may think you saw more than you did. When the police come, the thing that had been suspicion becomes a certainty, and by the time you have been examined before the Coroner, before the Grand Jury, and at two Assize trials, you believe

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every word you have said. It is like the game of "Russian Scandal"—take a person, tell him a story, pass it along, and see in the end whether it bears any resemblance to the original story.

Another important set of evidence was that dealing with the chapel tests. It is very important, this matter of the chapel scandal, and I do suggest most seriously that all evidence of motive—and the motive is paternity—is gone out of this case as regards Gardiner. They drag up this old scandal, which was not believed at the time, and the only way to test it is to go up to the chapel, and see if it could be done. I have already commented on the absurd thing they call a test, that was carried on outside the chapel. I have called before you three gentlemen of known probity and respectability, one being Mr. Leighton, of whom it may, of course, be said that he is the solicitor for the defence; but leave him out altogether. Take Mr. Corder, take Mr. Parmenter—two men of high position in this town; men who don't want to be dragged into this case; men who gave their evidence at the last trial, and know the state of destitution the unhappy man was in—yet they come here and tell you the result of their test. The question is, was it a fair and honest test? Mr. Leighton, Mr. Parmenter, and Mr. Corder made this test, and you have to judge if it was an honest one. Did Mr. Corder and Mr. Parmenter go there with the object of not being heard? If you know anything of those gentlemen, or can judge of their demeanour in the box, you can scout the very suggestion. They occupied in the chapel the positions the guilty persons were supposed to have occupied; they spoke to one another, and read alternate verses of hymns with the ventilator open, and with the ventilator shut, and no coherent conversation could be heard outside.

Then we come to the vexed question of handwriting, and I should think you must be pretty well tired of having similarities and dissimilarities pointed out; but

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you have followed it most kindly and patiently. The evidence of the prosecution rests upon it, for if you take away the motive, the whole thing comes to the handwriting, and my friend knew it very well when he took Mr. Gurrin through letter by letter. Now, who is Mr. Gurrin? He is an expert witness in handwriting. I don't know how a man qualifies himself to be an expert witness in handwriting. There do not seem to be many of them—fortunately, in this country there are many other honourable professions and trades that men can find better to follow. Mr. Gurrin comes here and states he has made a study of it. Well, there is no examination to pass, no particular test, except the way in which he gives evidence. Of course, when I, with abilities very much inferior to my friend's, try to ask Mr. Gurrin to unsay what he had said—of course he would not do it. He conscientiously says he believes it is the same writing, and I do not contest that he believes it. I have not been able to call another expert witness, because they are difficult to get; but I have called before you two business men—Mr. Fairbairn, who occupies one of the highest positions in the city of Norwich, and Mr. Bayliss, who has practical charge of one of the most important banks in London. These gentlemen are not accustomed to give evidence, and therefore my friend can cross-examine, and show apparent discrepancies. But they are accustomed to deal with, and judge, handwriting, whilst Mr. Gurrin talks about it. It is the signature that is the very test of handwriting, and what better authorities on this can you have than these two men, one in the Post Office, and the other in a big London bank? They are responsible to their employers to see that forgeries are not committed.

With regard to the letter from Paris, it is suggested that Gardiner wrote it under difficulties; but I would remind you that this letter was written from a Paris hotel as the result of the day's proceedings; and do you

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mean to tell me that a man, proud of the confidence reposed in him, would sit down and write a mere scrawl to his master? They take this motor-car letter—this pathetic letter sent to his wife—and they make a new set of comparisons, as they were, indeed, obliged to do! I admit that this letter is better spaced and aligned; but it is with the greatest confidence that I ask you to compare the style and finish of that letter with the style and finish of "A."

I say that a terrible danger confronts you if you trust entirely to handwriting. We have heard a great deal about "mechanism," "alignment," and "spacing"; but what I say in conclusion is this, and I say it very solemnly, if you were sitting in a civil case such as we shall try on Monday—say, such a case as Staunton against Gardiner, on a question of goods sold and delivered, or money had and received, or anything of that kind—and the issue depended upon disputed handwriting, you might very well say: "Well, after all, we think Gurrin is right." You would be perfectly entitled to give a verdict according to the balance of proof one way or the other.

Gentlemen, thank God, the standard of proof in a criminal case, and especially in one which involves life or death to the person charged, is immeasurably higher than in a civil cause. If there is the slightest doubt, based upon reason, as between one statement of this kind and another, the accused is entitled to the benefit of it—he is entitled to acquittal. In such an issue as this—and I do not think I am attaching too much importance to it!—who will take the responsibility of saying absolutely that Gurrin must be right, and Fairbank and Bayliss must be wrong? Gardiner is entitled to the benefit of any doubt that exists in the mind of any of you. I hope you will forgive me for having spoken with some amount of fervour and at great length about that matter,

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because I cannot but realise that the prosecution are driven into a corner. With their motive gone, their chapel scandal gone, their witness Rouse discredited, and everything gone except the handwriting, they are endeavouring to put a false situation before you, and deal with the question rather as if it was a civil case than a matter upon which the life or death of a man depends.

The next matter that I want to deal with is the evidence of Mrs. Martha Walker. I attach the very greatest importance to the evidence of Mrs. Walker. She was the lady who had attended to Mrs. Gardiner at a number of her confinements, and her evidence completely disproves two points sought to be made by the prosecution. First of all, there was the evidence of the bottle. Not only did Mrs. Gardiner give a reasonable account how the bottle got into the possession of Rose Harsent, but Mrs. Walker told you Rose Harsent was suffering from a severe cold shortly before Easter, and she said that Mrs. Gardiner gave her the camphorated oil in the bottle. Mrs. Walker had conversation with her on the matter, and it showed perfectly what Mrs. Gardiner said was true. Mrs. Gardiner said: "I gave her a bottle, I do not know which." Mrs. Walker said: "She had a bottle, and she rubbed oil on her chest." That disposes of what was thought to be a most serious point in the whole case. When you are asked to believe that Gardiner was such a fool as to take a bottle with 6 ounces of paraffin in, and with label bearing his name upon it, you will probably say that the bottle story goes. Mrs. Walker is useful for another reason. She explains the lap incident. She says if it were done, anybody could see it. I do not suppose any twelve men would believe that a man would put his legs on the girl's lap except Mr. Rouse in the rostrum.

I called before you Mr. Elliston, and his evidence is very important. It is important for this reason. Dr.

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Elliston is a man of considerable experience as a surgeon and greatly respected in this district. He is a man having high positions in the medical world, and he tells you this: that the murder could not have been done without considerable spurting and flowing of blood. I could not carry the examination any further, but I proposed to ask him about the moving of the body, and the effect of it. An objection was taken that that was not a matter for a doctor, it was as a matter of fact for the jury to judge. No doubt, gentlemen, having got so far, you will form your own opinions as to that matter. What must have been the effect of the blood spurting and flowing? The effect must have been that the man must have been smothered. In that condition he must have gone back to his wife's bed, and that is assuming Gardiner is the man. I hope you will judge of the improbability of that. The prosecution's theory is that the man who is said to have murdered that girl is stated to have made the assignation by that letter. The man, if he committed that murder, must have been possessed of consummate intelligence. Not only is it said he left a bottle with his name on it, but it is said he made the appointment for twelve o'clock. This would force him to leave his wife's side, and in the ordinary course of things, gentlemen—I do not think, if you tried to get out of bed without your wife's knowing, you could—I do not think he could succeed in that without her hearing. Probably she would do it without his hearing. Then, it is said he went a quarter of a mile away, and committed the murder, and went back to bed without his wife knowing. If he did that, there could not have been much vigilance on the part of the wife.

Here is a point I have not made before, but I ask your particular attention to it. You see this letter of assignation—it says: "I will try to come to you at twelve." You know the time they go to bed in the country. We got it from a witness that it was ten to

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eleven o'clock. That was pretty late in the country. In the ordinary course of events, Gardiner would be in bed. He was not, however, because there was a storm, but he would not know that fact when he wrote the letter, which the prosecution say he did, and we say he did not. It is not very likely he would write a letter at all if he was going to murder the girl, and forge a weapon with which to hang himself. He would see the girl on the Sunday at the school. Do you think he would write in his ordinary handwriting? If he had waited till the Sunday, what would have happened? He would have seen her in the school or in his choir, and could have said: "I will come round to-night." It is obvious that the letter was written by some one who was a stranger to the district, for he addressed the letter "Peasenhall, Saxmundham." Would Gardiner, a married man, living in a small cottage with his wife, sleeping in the same bedroom, make an appointment either to see or murder the girl? He would know in the ordinary course of things he would have to get up and leave his wife's side, so that she must know about it. That is a very important point. If there was not a storm, he would be in bed, and have to run the risk. Assume against the probabilities of the fact, and that he made the appointment at twelve. This consummately clever murderer is not able to keep that appointment. He is delayed; therefore, would he not have gone and left the appointment to stand over till some other night? Would he have run the risk of leaving his wife's side, go away, and commit a sanguinary murder; go back to her when it was almost impossible she could but know? There is only one conclusion that can be drawn, and that is that the wife was privy to the murder, and that if you convict William Gardiner, it is tantamount to convicting the wife.

I come to the accused. He has been called before you. I do not know if it would be possible to imagine

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Mr Wild

any greater odds than he had to face against my friend's cross-examination. We Englishmen like a fair fight, when antagonists are pretty equally matched. I cross-examined Nunn and was a little too sharp on him, and was called to order, and the witnesses for the prosecution applauded. Of course, they did, for he was their policeman. Nunn was a clever and intelligent officer, but compare Gardiner against Mr. Dickens, one of the most able men at the Bar, a man of life-long experience, whose abilities are great. He is in the full vigour of his intelligence, and he has to pull to pieces one who has lain for eight months within 50 yards of the place where he will be hanged if he is convicted. His thoughts can have been occupied with nothing but—I don't suggest he thought so much about himself—his wife at home and the children, who were calling for their father's return. He is the man, the man who has been through an arduous thing they called a trial in the month of November; the man about whom the jury disagree; who was incarcerated another three months; yet he goes into that box. If he were a murderer, what do you think his thought would have been? You remember the terribly romantic description of Eugene Aram by the poet Hood:—

That night he lay in agony,
In silence vast and deep,
With fevered eyes like burning glass,
He stared aghast at sleep.
For sin had rendered unto him
The keys of hell to keep.

What must the thoughts of a murderer be, a man shut up with this crime, who has got to stand a second trial to be cross-examined by the keenest advocate of the Common Law Bar. You saw Gardiner in the box, and I will leave you to judge who got the better of the cross-examination. You cannot cross-

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examine truth. Look at the cross-examination. I do not blame my friend, who knows his duty better than I do, but he was compelled to resort to the artifices of cross-examination in order to make an appearance of a stand against William George Gardiner. For instance, he cross-examined him about Stammers, and asked him if Stammers were deliberately lying. Gardiner knows he is telling the truth, and that Stammers, however unintentionally, is telling a different story, and he says: "Yes." Then he was asked: "Why does Stammers tell a deliberate lie?" If Stammers saw the fire why did not he mention it before November? Mr. Dickens invites Gardiner to impute motives why Stammers, Skinner, Rouse, Wright, Morriss, Guy, and the rest should deliberately swear away his life. I suggest that Gardiner answered these questions as a man who professes religion as he does, and he says: "I decline to impute motives." He told how he believed Wright and Skinner's story grew in the telling, and that they were now afraid of going back on their word. Would Mr. Rouse be so wicked? We do not know so much about Mr. Rouse as we should like. Mr. Rouse denied things I put to him; I cannot contradict him with witnesses, because the law does not allow it. Gardiner has as much right to be believed as Rouse. Rouse shows he is lying about one matter regarding Gardiner putting his legs on Rose Harsent's lap. On the other hand, Gardiner has not been proved to lie in a single particular, and I submit that Gardiner is every bit as much entitled to credence as Rouse.

Then you come to the question of clothes. A man earning twenty-six shillings a week with a wife and six children would not have an extensive wardrobe. Gentlemen, I say this: that this man Gardiner and his wife have given up every atom of clothing the man had at the time. The police had made exhaustive investigations. They knew the effect of this point of the clothes,

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and the fact that they are not able to suggest that this man ever wore any other suit of clothes beyond those produced by them and analysed by Dr. Stevenson, proves that he has no more, and you are entitled to assume that every vestige of clothes that that man has had has been handed over to the police.

My friend admitted the mistake—he put a false point as to the accused telling his wife as to the chapel scandal. It was made clear that Gardiner's recollection was right, and my friend's recollection was wrong.

In regard to the knife, Gardiner does not pretend to tell you when he last cleaned the knife, but there is this point: that the knife had two little bits of blood upon it, and that carries out his story so far that he had hulked several rabbits, with the result that the ages of the blood were different.

Then my friend put this point—and did you ever hear a more absurd, I was going to say more ridiculous, point about the little girl in her father's arms? The woman says: “I went to bed, and I could not sleep, and I took the child in bed when my husband was asleep. When I woke at five he had got his arm round the little girl.” Gardiner said: “I don't remember the child being put there, but I remember waking up and finding it there.” My friend wants to make out that this is a contradiction. Gentlemen, pretty well the last thing the poor man did before he was locked up for eight months was to be in bed with his little infant; and the child worked its way, nestled up to its father—that father whom you are asked to say is a murderer—and the wife noticed the arm round the little girl.

Now, so much with regard to that. Mrs. Pepper was called before you, and Mrs. Pepper is a witness, as I suggest, of truth. She tells you this: that she was up from twenty minutes past two to twenty minutes past four, and Mrs. Pepper tells you she was walking about. She is obviously a nervous and excitable

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woman, and she says she heard nothing except Mrs. Gardiner go downstairs at twenty minutes past two or thereabouts.

Now, I have to comment severely upon the action of the police in this matter. Mr. Staunton went to Mrs. Pepper; Mr. Staunton took down the statement that has been put in for the Crown, in which Mrs. Pepper says this in effect: "I heard some one go down in the night. From inquiries I made afterwards"—a police phrase that—"I learned it was Mrs. Gardiner." Do you think those are the words of an uneducated woman like Mrs. Pepper? Why did not they call Mrs. Pepper if that were true? It was most important for their case; then they would have suggested it was Gardiner. The question is this: not whether Mrs. Pepper made a false statement, but whether Mrs. Pepper is a witness of truth or a liar. Rouse will be held up to you as a sort of demi-god, but what interest has Mrs. Pepper, who was going against the opinion of the village for the moment? She came here with no kind of interest, and Mrs. Pepper tells you she heard Mrs. Gardiner go down, that she heard Bertie scream, and that she heard Mrs. Gardiner speak to him. Next morning Mrs. Pepper asked Mrs. Gardiner: "What made you go down in the night?" and she said: "I had pains in my body." You see that corroborates Mrs. Gardiner; therefore the Crown are forced to this conclusion: that Mrs. Gardiner is an accomplice either before or after the fact to this murder. I submit to you that you will not ignore the evidence of Mrs. Pepper, which is the strongest corroboration of the alibi set up all along in this case.

Finally, you have the evidence of Mrs. Gardiner herself. I am perfectly contented for you to judge of her demeanour in the witness-box. She is the sort of woman who has been brought up in the country and led a simple country life. She is the wife of this man, and I have not blinked the fact that her future, and possibly her

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life, depend upon your verdict. I quite admit that she has the strongest possible interest—she loves her husband—in shielding him if she can, although I should not have thought, if she had believed he murdered his paramour, she would have cared for him so much as she does. But it is not a question of shielding: it is a question whether that woman has come here and deliberately lied to you in every detail as she had lied previously to Mrs. Pepper and the police, because, remember, she told the story from the first. In that case she is an accomplice to this murder. It would be impossible for that man to leave his wife's side and go back after having committed a ghastly murder of that description without the wife knowing it. That being the case, I ask: "Has she done it?" I submit she gave her evidence truthfully. Could she act the part? You can imagine some women—women brought up, perhaps, in London, women who deserve the name of adventuresses—acting the part, but can you imagine a simple country woman deceiving the police, deceiving my friend, untouched by cross-examination? Gentlemen, I will leave her in your hands.

My friend has sought to put before you a series of facts which he says show guilt. I have endeavoured, as fairly as may be, as fully as I can, to deal with these points one by one. I have dealt with the handwriting, with the india-rubber shoes, with the knife, with the bottle, with the envelope, and I draw your attention once more to the fact that Mrs. Crisp's original evidence tallies exactly with the doctor's evidence. Mrs. Crisp said the murder was between one and two in the morning; the doctor's evidence as to rigor mortis puts it between one and two. Therefore I submit that I have done more than is necessary. I have not only shown that the Crown have not proved that Gardiner did it, but I have shown that he could not have done it. That is the end of my responsibility.

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Mr Wild

After hearing my friend and my lord, your responsibility will commence. I do not presume to say more than one word about your responsibility. Mine has been great; I have discharged it to the best of my poor ability; I shall propose to take some rest from the Court when I have finished. But my responsibility is as nothing compared with yours. The verdict rests entirely upon your shoulders; it is a verdict which does not rest upon you collectively as twelve gentlemen, but individually. You will remember that each jurymen is sworn to give a personal verdict between the King and William Gardiner. Gentlemen, I therefore beseech you that if there is an honest doubt, as there must be in the mind of any one of you—but I know that no man, believing that there is a doubt of a man's guilt of murder, would let any consideration of convenience or time turn him from what is his honest opinion.

There are three views that may be held. The one view is that the man is proved to be guilty. I have never suggested that if that is so any man should shirk his responsibility. The second view is that the man is proved to be innocent. I hope that will be the view that you—or some of you—will take. But there is a third view, and that is that, although there may be a considerable element of doubt, although some of you think—and I am bound to look at all points—that it is quite possible he committed the murder, there is a verdict which is not known here, the verdict "Not proven," but which is included in the English verdict of "Not guilty." Unless the Crown have brought home to you beyond the shadow of a doubt that this man is guilty, every one of you, I am convinced, will find him "Not guilty," which only means that he is not proved to be guilty.

Gentlemen, my duty is done. I do not apologise for having taken some time, for no time can be wasted which can be legitimately used in defending a man on a

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Mr WILD

capital charge. I spoke, perhaps it was out of place, yesterday about myself, but I wish to say one word about the accused. He is a man who has gone through very much—I do not put it to you in the way of sympathy—but there must have been something holding him up, and I think I can say it of him with reverence and absolute meaning in every word, “The Eternal God is my refuge, and underneath are the everlasting arms.”

Closing Speech for the Prosecution.

Mr. DICKENS—My learned friend, who has just addressed you, need offer no apology for having done his duty, and far from offering any apology, I think he is entitled to be told from my lips to start with that I admire his efforts on the part of the accused. Gentlemen, this case is not to be decided by words of counsel or suggestions of counsel. This case must be decided upon the facts which are brought before you—hard, stubborn facts, and upon these alone. I have still a duty to perform. It is a painful one, but it is an imperative one, and that is, appearing as counsel for the Crown, to point out to you facts which we suggest to you prove irresistibly that the accused is guilty of this murder.

The case has been a painful one to all of us—painful more especially having regard to the position of the wife, inexpressibly painful to have to cross-examine a man on trial for his life, and also to have to cross-examine his wife, particularly in the state of health in which that unfortunate woman was. At the outset in my opening speech I warned you that we must not judge this case by any feeling of sympathy we must all have for the woman. If we were to do that, public justice could never be vindicated, because there is hardly

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a crime which is committed which does not bring unhappiness, grief, sorrow, ruin upon the relatives of the guilty man. My learned friend has said you are called upon to give the most solemn verdict man can give. I must remind you of the other side of the question. You are called upon to vindicate public justice, which, if the case for the Crown be true, has been outraged. You have to consider, of course, the interest of the accused to this extent; that you must remember that the Crown have to satisfy you beyond all reasonable doubt—reasonable doubt, not a shadowy doubt. As I have put it more than once, it must be a doubt born of your reason, not of your sympathy or your prejudice.

There have been many topics urged by my friend, many little bits of evidence introduced which have very little bearing upon this case. Full latitude has been given not only to the counsel for the defence, but every opportunity has been given them that the case should be fully and well heard, and evidence has been received in this case which, had I been strict, I could have undoubtedly objected to, but my sole object, the sole object of the Crown is to see that justice is done, and we conceive it right, and in the interests of the accused, that there should be no technical difficulty to the admission of evidence, and it was for that reason that evidence was admitted which was not admissible or relevant to the issue.

I think it was unworthy of my friend—he will excuse my saying so—suggesting that the prosecution had been unfair in keeping Rouse and Stammers back, as he said, to the last moment. Nothing is further from the truth. When evidence is given, notice is given, and there cannot be a suggestion, and there is not one little of foundation for the suggestion, that notice of that evidence was withheld after the evidence had been given to the police. See how the other side have

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treated us in that respect—perfectly within their rights. Witnesses have been called, and we have heard gentlemen who were asked the day before the last trial, with no notice to us. Large numbers of witnesses were called we never heard of on the last occasion, and it does seem rather absurd, if I may use the expression, to make a suggestion that the notice of these witnesses was withheld from them, while they had the advantage of calling numerous witnesses as to whom we have had no knowledge, and no idea that they were going to be called.

Another topic my learned friend urged was that there was somebody who had motive against the accused for putting the crime on him. His expression was “not too popular a man.” There is not a tittle of evidence that any single workman in Smyth’s bore that man any ill-will. Gardiner would not suggest it because he could not suggest it. It was the suggestion of counsel and counsel alone, and it is for that reason that I must beg respectfully to warn you against adopting what counsel says, and I respectfully beg you to remember that what you have got to show is what the defence prove, and to that your attention is directed.

Gentlemen, another topic was strongly urged by my learned friend, and that is that Gardiner is put forward before you as a man, religious, respected by those who know him. He is quite right. You should throw that in the scale for what it is worth, but you must remember that in throwing it into the scale you must bring your common sense to bear and your own knowledge of the world as men of the world. We know well that in crime after crime that is investigated in Courts of Justice, a man who is charged is a man who has always been looked up to both as a religious man and as a good man. And, if our case is true, Gardiner did not deserve the position which he attained to, and Gardiner has been deceiving those who believed in him, and therefore, while giving fair effect to the fact of his having had a reputation

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amongst those who knew him, you must not lay too great stress upon that, because otherwise you would not be bringing to bear that ordinary knowledge of the world, which all of you must possess. "No breath of suspicion," says my learned friend, "upon him to the 1st of May." The same always applies. If he was a man carrying on an illicit intercourse with a woman, having regard to the very fact of his high reputation and his position in the church, he would necessarily disguise his real self, and he would necessarily be careful of his conduct so that he should not be found out.

There is another suggestion that was made that is also the suggestion of counsel, and it was in order to disparage Wright and Skinner in your eyes; that, as Davis said, this kind of nasty writings were generally talked about in Peasenhall, that, therefore, you must assume that Wright and Skinner are of the same stamp, and must be permeated with beastly ideas in their minds. Not a tittle of evidence suggests it, not a word put to either of them even to lay the foundation for such an assertion. Skinner was twenty-seven years old, past the age which some boys go through with all this kind of indecent feeling uppermost in the mind. And, therefore, when you consider the evidence which is to be attached to the story of Wright and Skinner, it would be a shocking thing if you were to allow yourself to be led away by a suggestion of fact, and which there has been no attempt to show any foundation for whatever.

Now, gentlemen, I do not understand, I am bound to say, why this extraordinary anonymous letter was produced. It has fizzled to nothing. My lord very properly said—if I may be allowed respectfully to say so—that although it was not admissible in law, in a case of murder he thought nothing should be shut out, and, gentlemen, from the point of view of public justice, I think it was a course that was eminently desirable, as it has turned out, because if that letter had not been

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produced, if we had taken the technical objection with regard to it, my learned friend would have been able to suggest what was behind, that there had been some confession which might have had a great deal in it. And what do we find? Three confessions—one from Burton, one from Devonshire, one from London—and you know perfectly well that it is one of the extraordinary things that follow a prominent trial of this kind that confessions from all sorts of people are constantly being sent. My learned friend first of all suggested that it was written by the murderer. Of course, neither of his experts dared suggest for a moment that that letter was written by the writer of "A" and "B." The first man said: "I should be a very bold man if I suggested it." And, therefore, that is not a fact. Then it is suggested that it may be the real murderer had tried to put it upon Goodchild. Can such a suggestion for a moment be entertained? But that it is not written by the real murderer is shown by the intrinsic contents of the letter itself. There are three points to be considered in regard to this letter. First of all, there was an allusion to a sofa, whereas, as a matter of fact, there was none in the room. The second one is that it said: "I wore my maltster's shoes." But it appears after careful inquiry that they do not have any bars at all on maltster's shoes, but flat soles. Thirdly: "My boots were filled with blood." If anything is certain in this case, it is this: that, whoever committed that murder obviously was successful in preventing his feet from coming into contact with the blood upon the floor. The real reason why that letter was produced was because they are seeking for some unknown man. They are trying to suggest there is some unknown man, other than Gardiner, who is likely to have committed this crime, and that is a difficulty they have been in all through. Three anonymous letters, three confessions, all gone! Davis is no party to the murder! Who, then, was the murderer?

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Now my learned friend went on to say that the handwriting was practically the only evidence. Such a suggestion as that is absolutely devoid of fact. The case for the Crown is an accumulation of facts, all pointing to the accused alone, not one fact, not two, and not three, but it is an accumulation of facts which we say by the process of exhaustion point to him and to him alone. Just follow that. I want to reason it temperately and fairly, at the same time pointing out that our proposition is that all these facts tend to the accused. Let us take it by steps. That it was a murder is undoubted; that the murder was not committed for the sake of robbery is clear; that the murder was not committed for motives of jealousy has not been suggested; but by reason of the condition of the woman, six months *enceinte*, there was an attempt to burn the body; and the only motive that could have existed in the murderer's mind was to get rid of that girl, hoping to hide her shame, and with it the shame of the man who killed her. Who was that man? Peasenhall is a small place; Peasenhall is a little village with not many people resident there, and it is a place of small extent. It is clear, as I suggest to you from all the facts in the case, that the unknown man was a Peasenhall man. It is clear from the way in which the man got into the house, that he knew the details of that house; it is clear also from the burning that it was some one who had an intrigue with the woman—not Davis. It is suggested Davis was the father; but there is not one tittle of evidence with regard to it. However beastly his conduct may have been, he gave his evidence in a way that I think would commend itself to you, when he denied that he was the father. But supposing he were, how does that assist the accused? If they had suggested Davis was the murderer, it might have carried them further; but they could not. It is fortunate in the interests of justice that the real writer of these letters was discovered because otherwise

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it would have been suggested that some unknown man had got the girl in the family way and killed her. Davis is not the man ; the anonymous letter-writer is not the man. Who else had any motive except the accused ? Had the girl any illicit intercourse with any other man who was in a position that made it absolutely necessary for him to hide his shame ? Gardiner's evidence was that he knew the girl well and had never seen her about with men under any circumstances. Mrs. Gardiner had to admit the same thing, and, therefore, so far as the evidence goes, there is no evidence of any unknown man's existence ; and yet the accused and his counsel say there is an unknown man.

Now, will you kindly follow me in my logical demonstration, by which I am going to show you that the man is the accused. What are the conditions that must be fulfilled by that unknown man, to bring him into the picture at all ? First, he must have written extremely like the accused ; he wears invariably shoes with bars like the accused ; he must have walked backwards and forwards on this night from the accused's house to Providence House, and back ; he has a knife of the same character as the accused had—a knife with which this crime must have been committed ; he is brought into connexion in a marvellous way with the missing bottle, as we see undoubtedly that the accused was ; he is a man who uses buff envelopes, and who has access to buff envelopes—as we see the accused had ; he must have told her to put a light in the window where it could be seen—as undoubtedly was the case with the accused ; he must have been looking out for the signal at about ten o'clock at night—as we see the accused was looking out ; and he must have been a man in such a position that it was imperative upon him to conceal his shame.

These ten conditions must all be fulfilled by this unknown man, in order to bring him within

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the picture. There are undoubtedly the footmarks to and from the accused's house; there is undoubtedly a letter admitted to be extraordinarily like; and there are undoubtedly the envelope, and the signal, and the position of the accused, and the suggestion of the intrigue which made it imperative on him to kill her. Are these all coincidences? Is it a mere coincidence that every one of these conditions which the unknown man must fulfil are conditions which point to the accused? Every one of them! That he lived at Peasenhall; that he wrote like the incriminating letter; that he had india-rubber shoes with bars across them, whose marks go to and from his house; that he has a knife with blood on it—a knife of exactly the same character you might expect; that he is brought into natural connexion with the missing bottle; that he has access to the envelopes; has reason to get rid of the girl; looks out for the light; and that his position is such that exposure would be fatal to him. Who fulfils these conditions, and all of them, but the accused? Who is suggested who could fulfil all, or even half, or even two or three of them, but the accused? And, therefore, you will see I am right when I tell you that the case for the Crown is not based on handwriting only; not based upon one or two facts. The case for the Crown is based upon this extraordinary accumulation of facts, which only points to the accused. What is the way out of the difficulty? The only way is that this unknown man gets hold of the envelopes, copies—for such he must have done, having regard to the extraordinary similarity of handwriting—copies the accused's handwriting, and makes footprints backwards and forwards from his house. By the process of exhaustion, gentlemen, I suggest to you that everything points to the accused. It is painful for me to have to put it thus to you, but after the speech of my friend I should not be doing my duty if I did not put to you clearly—temperately, I hope, but clearly—the other side of the

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question; and I submit to you that by the process of exhaustion there is no unknown man. By this process of exhaustion, all the conditions I have pointed out to you are fulfilled by the accused; and by the process of exhaustion no other fulfils all these conditions. If that is so, the chain is complete—murder, motive, letter, bottle, shoe. What is the answer to it? I will deal with it more specifically. Apart from the evidence of the man and his wife, what is the answer? All these witnesses are lying—all these witnesses are deliberately concocting a story in the trial upon which this man's life depends. Gardiner was forced to the submission that he could not suggest a motive for one or any of these witnesses being hostile to him or trumping up a case against him. His case is that it is a trumped-up affair.

People do not act without motives; they are not so recklessly wicked as to send a man to his doom without some feeling against him of hostility or ill-will. Yet it is very important in this case to remember that, while it is suggested, and must be suggested, in order to get rid of this overwhelming chain of evidence that the whole thing is a concoction, there is no single witness against whom any motive for making such a concoction can be ascribed. Why should Stammers, for instance, be gratuitously guilty of the grossest perjury? Why should he say there was a fire in the wash-house at half-past seven o'clock on the Sunday morning if he had not seen such a fire? The only witness against whom any charge of motive has even been hinted at is old Rouse. This was done by Mrs. Gardiner, the unhappy woman who is loyally sticking to her husband—as to which, God forbid that any one of us should throw a stone at her for—and the idea she put forward was that Rouse was jealous of her husband's position in the church. The accused himself, however, standing in the box with his friends of the church around him, could not, and dared not, make any such accusation against Rouse.

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On the contrary, he said that the feeling amongst them was that they were all brothers.

Why should all these witnesses be guilty of telling the most diabolical lies without having the slightest motive for lying? Let us turn our attention to the story of May, 1902. Of course, to a certain extent, it is not really an issue in the case, and yet it is of great importance. What is the story that is told? The curious thing is that it is true up to a certain point. It is undoubtedly that the accused went to that chapel. That the girl went to the chapel is admitted, and that he walked down with her, down the gravel pathway to the chapel door, is admitted. That Wright was in the neighbourhood is admitted. What is denied is what took place in the chapel. There, you see that you are starting to investigate this story as to whether it is a mere concoction by these two young men. You must start at the threshold by asking yourselves the question, how far is it true? How far is it admitted? And you must remember these facts are not denied up to a certain point. Now what is the accused's story about it? He says he took his horse at 7.30 to the stables, rubbed him down, gave him his bait, passed Wright on the way, and went home to tea, and, according to the evidence, he was back at that spot at the chapel at about half an hour afterwards. Why did he come? He comes back, why? He comes back undoubtedly at a time when the girl is in the chapel. He comes back, knowing, of course, that the girl cleans the chapel. He has got no interest in the chapel at all. He comes back, he says, to see whether his horse is taking his bait. It is for you to say whether that story is sufficient to get rid of the very specific story of these two young men. It is for you to say whether this story of going within half an hour to see whether his horse is taking his bait is one that can be relied on.

What is his story after that? The girl is coming

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towards his gate, and she asks him to come and shut the door. The evidence is that a year afterwards, about the time of the inquest, which, I think, was in June, there was planing observable upon the door, and it was subsequently painted in October. There is no evidence whatever that this girl, who was going there every fortnight, had had any previous difficulty with the door or since. My learned friend said he knew Wright was upon him. That was not correct. He passed Wright, certainly, and it was nine o'clock at night. He had no reason to suppose Wright was about there. But, says my friend, Wright jumped at the idea that immorality was going to take place, and immediately fetched Skinner. If you see a married man with a young girl like Rose Harsent going to the chapel in a secluded spot, together, quite alone, you would think it looked suspicious. So they followed up.

Now, my learned friend says the whole story rests on Skinner. I totally deny that. It is not a fair way to put it because it is one point in our case that Gardiner went into that chapel with the girl, and he denied it. He said they stood beside the chapel for a little time talking about hymns, and therefore, with regard to this story, Wright is quite as important a witness as Skinner, because Wright speaks undoubtedly to the fact of their both being in the chapel together, and Wright speaks undoubtedly of hearing them there together. I do remind you of the evidence of the conversation in the chapel, and you must ask yourselves solemnly whether Skinner gave evidence of that with a wicked and deliberate attempt to ruin this man, and in this Court to jeopardise this man's life by inventing the story. Is it a story, and I say this to you as men of the world—is it a story that you think a man could possibly invent? I suggest it is for you entirely, and do not think I want to unduly press anything, but I am bound to put this side of the question to you. I suggest to you that that

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story upon the face of it bears the impress of truth. It is a story which they could not have invented. It is true there is a slight discrepancy of which my friend takes hold. Mr. Wild drew attention to Wright saying that "We then left," whereas one went a little before the other—a very slight discrepancy that, gentlemen. When there are slight discrepancies, it is more likely the evidence is true. Mr. Wild says: "You see how Skinner repeats his story like a parrot." I suggest that is farcical. He gave it before the Coroner, the magistrates, and at the last trial. You see he can give it you perfectly, therefore the suggestion that he was repeating it like a parrot seems to be a suggestion that is worth very little consideration. Skinner walked by the man to see undoubtedly that he was the man, and the episode practically ceases.

Now, gentlemen, with regard to the suggested trials about hearing in this barn. Do you think the effect of their not hearing the experiments they made is sufficient to allow you to justify you in saying it is a malicious concoction and a wicked lie? Eli Nunn you saw for yourself—a constable, it is true, but a man of respectability, who gave his evidence fairly and well, and Burgess, who is so well known to the accused. In one of the letters to the girl, I see the accused says: "I could not be with you as I asked Burgess to ask these two chaps to come to the chapel." Burgess was one who made the experiment, and Nunn tells you he heard the story perfectly well. How these gentlemen spoke, it is impossible to say, or to compare their voices with those of the two at the time the alleged conversation is said to have taken place. Surely, it is not sufficient to justify you saying this story is a wicked lie. Remember the circumstances under which the story took place. It was about eight or nine o'clock in a perfectly secluded spot. The girl's voice was much more shrill than the man's, and they did not know anybody was there. It was

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secluded and removed from the road some distance, and there was nothing to prevent those people inside that chapel speaking loud. The expression of the girl, "Oh, oh!" is obviously what you would hear. So far as the experiments are concerned, they did not disprove the story of the two boys. My learned friend said: "Look at the conduct of the accused." He said: "If that story was true, you would have expected him to bribe the boys." See how absolutely absurd that is. It was not till after they had told the story about the village that the man knew anything about it. When they came to his office, it was common property. Any question of bribing the boys was impossible. They would not apologise. I advise you to lay very little stress upon that.

There was one remarkable thing I found in the letters to the girl at this time, and it was consistent with warning the girl. He says: "I only wish I could take the matter to Court," but added that "I do not think I would stand any chance, because I do not think you would be strong enough to face the trial." That is an observation one fails to appreciate if there was anything in the story. She was a perfectly healthy girl, and there was no suggestion of any physical illness. If there was anything in the story, why should she not be strong enough to face a trial? That is a passing observation, and you must not lay too much stress on it, but you cannot ignore it. That, I think, really disposes of the story of Wright and Skinner, and now we come to the question of the inquiry.

[At this point, his lordship intimated that it might be convenient to adjourn, and Mr. Dickens consented to this course. After the adjournment,]

MR. DICKENS—Gentlemen, I dealt somewhat fully with the visit to the Doctor's Chapel, because you will understand that it is not only a by-show in the case, but that it is only fair to Wright and Skinner, who have been

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violently attacked, and their *bona fides* seriously brought into question. That I should deal with it at some greater length than I otherwise would have done is in order to show you that they were unjustly attacked. I will leave this episode with one further observation, and treat it with such importance as you think should be attached to it. It was one of those episodes you would think that where a man went straight home he would say to his wife: "There was poor Rose Harsent in the chapel, and she could not shut the door, so I closed it for her." I was under a misconception when I said the accused gave as his reason last time that his wife was ill at the time, but, as it was pointed out, she was not confined till 3rd May, and kept about her household duties till that time. I accept the correction that Gardiner said nothing about it because, as he said, "I should not have thought of doing that."

With regard to the chapel inquiry result, we have really nothing to do. It is quite immaterial what view was formed and what conclusions were arrived at. We had a large number of gentlemen called to speak as to this or that being said. But what it comes to is practically this: Mr. Guy would not accept the position which Mr. Wild tried to force upon him that the inquiry was broken down because the young men's story was discredited. Mr. Guy said: "No, I can't say that. The boys stuck to their story, and as far as I can form a judgment they were not discredited." The sum and total of it was this: two or three witnesses called and said they would rather believe one or two witnesses in the church to two outside. That is rather a strange form to the judicial mind. I should have thought the question as to whether the story was true or not ought not to affect the question whether the witnesses were inside the church or not. You can understand that they did not want a scandal in the church; it was impossible to find Gardiner guilty, and there was a deadlock.

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Whether Mr. Guy said anything to the effect that it was a fabrication or whether these gentlemen called mistook his intention, I do not know. I do not suggest that their *bona fides* are doubtful, but I say it has nothing to do with us.

That brings me to Mr. Rouse, an undoubtedly important witness. Mr. Rouse's story is very, very significant. It is that, after the scandal in May, 1901, in February, 1902, he met the accused with Rose Harsent at nine o'clock at night, walking away from their home. A few days afterwards he remonstrated with Gardiner, and Gardiner acknowledged he had been with the girl, and promised it should never happen again. Who denies that? Gardiner, who, of course, has the most vital interest in this inquiry. It is suggested that Mr. Rouse deliberately concocted the story. For what? What possible motive had this old man? He was a member of Gardiner's church, and knew Gardiner and his wife. Gardiner cannot suggest to you the slightest motive. His wife—and you will have to bear in mind whether you can trust this poor woman's evidence—suggested in terms that Rouse had deliberately concocted this story in order to ruin them, because he was jealous of his position in the church. Those members of the church were round Gardiner in the Court, and he knew he could not say, as between the two, one was superior to the other. How they tried to get something out of this old man's evidence. They cross-examined him. "You have lived a life," said Mr. Wild, "of making accusations against other people." What does that rest on? On two cases only. One was a case of a boy named Turrell. There was a fire in the farmyard attached to the barn, which was not insured by Rouse; no one but the boy was about at the time, and when Rouse saw a piece of smoking cane lying about, as boys often smoke, he jumped at the conclusion that this boy must have set the fire alight. He told the police, the boy was taken away, and when

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he came before the magistrate Rouse was asked if he had any proof. The old man simply told the truth and the whole thing was dismissed. The other case was that he gave evidence in the murder trial of a woman named Carter, who was convicted. There were two other suggestions. One was a scandal about himself with regard to some people named Gooch. Apparently he sold Gooch a sow, and Gooch wanted some minister of the church to talk to him about religion, and he used to go and see him from time to time. The only other suggestion was with regard to him making some charge against the daughters of a man named Snelling. Rouse said it was true they were rather wildish girls, but beyond that he never made any suggestion against them. It is perfectly obvious from the fact that these four incidents being brought against him, that they have raked up that old man's life in every possible shape or form.

In all these episodes, do you think there is anything to justify the conclusion that this old gentleman, without motive, without quarrel, without animosity against a man, would have invented this diabolical story? That is a suggestion I do not think you can credit for a moment. The only way in which they meet that evidence, which is of an extremely important character, is to suggest a pure fabrication of deliberate lies. That old gentleman has a reputation to keep like all of us. If that old gentleman deliberately did a thing like that he has about as wicked and about as diabolical a nature as any man could have. Then comes the episode of what took place in the chapel. It is all very well for people to say that some people in the chapel might have seen what was going on. It was a very slight incident and very instantaneous as to what this man did with regard to Rose Harsent. The old man saw what he thought was an indecency. He may have been right; he may have been wrong. What did he do? Throughout he has shown himself to be a friend of Gardiner.

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Old Rouse said that when that inquiry about the scandal in May, 1901, was brought before the meeting at Sibton Chapel, "I took Gardiner's part; I believed Gardiner, and I spoke up for him before the meeting." We have had people called who were present before that meeting, and no one has ventured for a moment to suggest that what Rouse told you with regard to his conduct at the time was not absolutely true. Therefore, you have this man who is charged with this most diabolical offence, at that time, when Gardiner's conduct was brought in question, whether he should keep his position in the church—you find Rouse was one of the most prominent men who defended him. And his subsequent conduct showed that he had consideration for the man because when he saw Gardiner with the girl on that road at nine o'clock, instead of going to the church and parading himself as a model of virtue, he said not one word to his detriment, because he obtained Gardiner's promise, "I won't walk with Rose Harsent again." When Rouse saw this indecency in the church, he wrote a letter to Gardiner, couched in most considerate language, in which he told him, "You are going on in a way to make people believe you are guilty. You are doing harm to God's cause. Let there be no kind of suggestion of scandal." That is the conduct of this man, and the only way in which his evidence is met is by the suggestion that this old man, who always showed himself to be a friend of the accused, and was always most considerate towards him, has most deliberately concocted this story. Gentlemen, I suggest to you that story is unhappily true. I suggest to you that you cannot disbelieve that story simply on the word of the accused, to whom it is vital, and having regard to the conduct of Rouse, I submit to you that you must all come to the conclusion that this old man, judging by his conduct to Gardiner, judging by the way in which he was friendly to Gardiner, told you the truth. Having told the truth, what is the

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inevitable consequence of that? The inevitable consequence of that is that Gardiner was continuing the intercourse with the girl.

My learned friend said that this scandal in 1901 was raked up. Not at all. They would have dropped it had it not been for the continuation of Gardiner's intercourse with the girl, and it was his continuation of his intercourse with the girl that caused the episode in May, 1901, to arise again. I quite accept what my learned friend said as to an apprehension I might have been under as to what extent Gardiner admitted indiscretion to Mr. Guy. Of course, up till that time he had protested his innocence.

This brings us to the 31st of May. On the 31st of May at 3.15 in the afternoon, a letter addressed to Rose Harsent at Providence House was delivered at Mrs. Crisp's in a buff envelope. That letter must have been posted at Peasenhall between 10 55 p.m. on the Friday and six o'clock on the Saturday morning, because the postmark shows that it went through Yoxford. That is an assignation. "Put a light in your window at ten o'clock; keep it there ten minutes." I will say a word or two presently with regard to the question of the handwriting, but whoever murdered the girl posted the letter at Peasenhall in a buff envelope. He did not go at twelve o'clock because a storm arises—a violent storm. Mrs. Gardiner said that she went in to Mrs. Dickenson's about eleven o'clock or half-past eleven, and that the accused followed her about twelve o'clock or a quarter to twelve. The story of the woman and man is that they went practically together, one following the other two or three minutes afterwards. Curiously enough, at this critical time, at ten o'clock, the hour mentioned in the letter, Gardiner comes out of his house. The evidence is that if you stand inside the door you cannot see the light in the window, but if you go either to the middle of the road or take two steps either to the right or left, you can

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see the light. Gardiner admitted he went out of the house, that he went to the right outside the door. Why did he do it? To look at the storm? Does that satisfy you? Take that with this significant time mentioned in the letter. The only conclusion is that Gardiner did not stand at the door to look at the storm, but deliberately walked to the right, where he could see the light if it was shining. My suggestion is that he did that with a view to seeing whether the girl had got the letter, and whether the signal was there. He could not go at twelve o'clock, he had to go late. What time he went, no one knows; it is impossible to say what time the murderer was in that house.

In regard to Mrs. Crisp, you must judge for yourselves. It is quite true that when first examined she talked about it being between twelve and one o'clock when she was awakened by the storm, and between one and two o'clock when she awoke by hearing the thud and scream; but she tells you with honesty that that was said without any grounds for expressing an opinion. When she talks about it being dark, that is a question of degree, leaving it very uncertain as to what time she really meant.

The next thing in the story is this remarkable story of Morriss's. Follow the story of those shoes, because it is most significant. Morriss, when he was going to his work, knew all about the scandal which had previously taken place; knew all about the talk as to the intercourse between Rose Harsent and the man; and his attention was attracted by seeing what undoubtedly could be seen, having regard to the wet gravel on the macadam —the footprints from the accused's house to Providence House and back again. My learned friend suggested that he did not say he saw any mark upon the stone step of the accused's house. Very probably not; a stone step dries quickly; a macadam road with gravel over it does not. Is he telling the truth? Having regard to his

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knowledge of what had taken place between these people, Morriss was so struck by the footmarks with bars across that he makes an observation to his head keeper named Redgrave, and he makes that observation at six o'clock in the morning before anybody even knows that the poor girl is killed. Afterwards, the police ask for clothes at the accused's house. No one knows that Gardiner has such a pair of shoes as those with the bars across. He had had them for a week, and he had not worn them. Then, in consequence of what Redgrave's brother said to the police, they go to the accused's house, and there are the shoes, which absolutely bear out the story which Morriss told. When before the Coroner, the foreman drew the shape of a foot and asked Morriss to draw upon it the kinds of marks that he had noticed in the footprints. At that time Morriss had not seen these shoes of the accused. It is suggested they were lying on the table close to where Morriss gave evidence, but there is not a tittle of evidence in regard to that. Morriss drew in pencil the marks corresponding with the bars on the shoes. That, I suggest, points strongly to the conclusion that Morriss is telling you the truth. The accused said: "After ten o'clock no man came to my house; no man left my house." How did the shoes go from his to Providence House and back? The only alternative suggestion is made by Mr. Wild, that the real murderer may have done it as a blind, and may have made these marks in order to put the crime upon Gardiner. Does that commend itself to your common sense? These marks were there undoubtedly, and the evidence of Mr. Hart does not carry us a bit further. The only suggestion is that Morriss did not see the imprint of the hobnailed boots of Hart until some time afterwards; but there was a reason for his being suspicious about the shoes going from the door of the accused's house to Providence House, and he had no reason with regard to the others. As to the suggestion that the unknown murderer

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deliberately made these marks from the accused's house to Providence House and back again, that is met by this: that it is part of the accused's story that no one knew he had got such shoes, and if no one knew he had got such shoes, how could the murderer, with extraordinary instinct and extraordinary knowledge, have fixed upon the very shoes such as the accused had?

The next thing is the medicine bottle. With regard to that, it may be that they are perfectly right in what they say, that some months before a bottle had been given with camphorated oil to Rose Harsent. The bottle found there undoubtedly came from Gardiner's house. The suggestion of my learned friend is that the girl had placed the bottle on the shelf in an out-of-the-way place, and the door banging to, the bottle was knocked down, and the paraffin spilt over the floor. How the murderer picked up the paraffin to set the body alight I do not know. It is for you to say whether the suggestion is a reasonable one. The suggestion on the other side is that the murderer, whoever he was, deliberately came with the intention of burning the body. Some people have an extraordinary idea that a body will burn like a bit of wood. The suggestion that the Crown make to you is that the man who killed that woman came with that medicine bottle in his pocket, filled with paraffin, but could not get the cork out; and not being able to get the cork out, he pulled the lamp to pieces, and tried to get the paraffin from that, and not being able to do that, broke the bottle and set fire to the corpse. Suppose my friend's suggestion, that the bottle fell on the floor and was broken, is wrong, what is the alternative? Supposing that the bottle was put on the dresser; supposing the girl for some extraordinary reason had kept the paraffin oil in that bottle. It is clear it was so tightly corked that you could not get the cork out, and, therefore, the alternative suggestion must be the unknown murderer, coming in, made up his mind to burn the

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body, saw the medicine bottle on the dresser, so many doses to be taken a day, jumped to the conclusion at once, by a sort of intuitive instinct, that it must be a paraffin bottle, and broke it to get the paraffin out.

With regard to the handwriting, you must please understand the functions of Mr. Gurrin. The function of all experts is not in the slightest degree to dictate to you. It is of the utmost importance in cases of this character to have people who have made a study of comparison the study of their lives, who can see likenesses and unlikenesses which ordinary people cannot, should be called before the jury to point out for their consideration resemblances between one writing and another. Mr. Gurrin does not suggest that his function is higher than that. He is a man of very great experience, and his evidence, as I suggest to you, was very, very strong indeed for your guidance as showing similarities of a most extraordinary description. Remember it is not by one—I quite agree with my friend—similarity, it is not by two or three; it is the accumulative force of a large number of striking resemblances. My friend talks about finding discrepancies. Of course you do. If you look at the letters of the accused himself you will find a most extraordinary difference in his handwriting. The strength of the position is this, that in spite of his own differences in handwriting, Mr. Gurrin comes upon the most extraordinary letters and words which are identical in many instances with the words in the disputed documents. That is where the accumulative force comes in. I am not going through all these things again. What is common ground between us all is this. I suggest that the letter "A" is a very carefully written letter. It is written straight up; it is not an ordinary handwriting for a man; it is carefully spaced, carefully aligned, and written with a thick pen. The first comparisons we made were in his business letters, which were not carefully spaced or aligned, but

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you could not expect that from a man writing a business letter in a hurry. They were also written with a thin pen, and in spite of that, the similarities are of a most startling character, especially in the formation of the capital "Ps."

My friend suggests that the envelope (of the anonymous letter "A") is disguised. It is a very extraordinary thing that you find very often that when a man begins by trying to disguise his hand, the real man's hand creeps out insensibly, and that happens with the word "Saxmundham." Mr. Fairbank, the handwriting witness called for the defence, is not a man who has had practice of seeing handwritings. He is an accountant, and his theory was curiously broken down. He said the alignment and the spacing were irregular, and there was bad spelling in Gardiner's writing. Every one of these points he had come to when I showed him the letter of 29th October, from prison, in Gardiner's handwriting. There was an instance where the spacing and the alignment were regular, and when I came to ask him about spelling, and pointed out to him that the words in the incriminating letter were of a simple character, that a man was not likely to make a mistake of spelling in it, he had to admit he might be mistaken. The other gentleman, Mr. Bayliss, I suggest, did not carry it a bit further. He was exactly in the same position as the other gentleman. Be guided by your own judgment, not by the judgment of Mr. Gurrin or anybody else's, and if you do that, I suggest to you the only fair conclusion you can come to is that it was written by the accused. I think it was rather unworthy to suggest that what Mr. Gurrin told you with regard to the letter from prison was untrue; but let that pass.

We next come to Stammers's evidence which is significant. I ask you first, is Stammers's evidence true? If it is true, why do the accused and the accused's wife deny it? It is true that the fire was alight at an abnormal

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hour, and was abnormally large. It was blazing at 7.30, and must have been lighted half an hour before. If that is true, what object have the accused and his wife in denying it? We suggest that the fire at that early hour was lit for another purpose. On that occasion something was disposed of. The house was never searched, for unfortunately this extraordinary theory of suicide was started, and the arrest did not take place till 8.30 on the Tuesday. I suggest that in the absence of some very clear explanation this case is made out, and that there is no unknown man—no man who can fulfil the ten conditions which I pointed out must be fulfilled in order to bring him into the case at all. All these conditions point to the accused alone.

With regard to the accused's wife, poor woman, I want to speak of her with the utmost respect, and indeed the hearts of all of us must bleed for her. She is fighting for her husband, and we must be men of the world in considering what attitude she is likely to adopt. There are one or two things which may test as to whether she has really told the truth. The first is the animus with regard to Mr. Rouse. Why, she imputed the worst possible conduct to him in order that his story might be discredited! Another point is that if Stammers has told the truth, then she has not told it as to when the fire was lighted. Another point is that Stammers told you she never said a word to him as to her being ill in the night, and not going to sleep till five or six in the morning. She says she did. In considering her evidence, you must bear in mind these three things—the animus to Rouse, the contradiction of Stammers's story, and her statement that she told all this story to the police. It is, of course, not necessary to point out to you the terrible interest she has in this case. Part of her story may be true, but was she awake all that night long? The storm had ceased; she had been up at seven in the morning; she did not go to bed till two o'clock.

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With regard to Gardiner himself, of course if you disbelieve his story about Rouse, you cannot trust a word of his evidence.

With regard to Mrs. Pepper, she told an absolutely different story here to what she told the police. Her first story was not that she heard and recognised Mrs. Gardiner's footsteps or her voice: but, "I heard some one moving in the house, and from what I was told next morning, I found it was Mrs. Gardiner." That is very different from what she told you when she was in the witness-box. I suggest that this woman's story is no real corroboration at all.

Now with regard to the knife. It is a formidable weapon and it had been cleaned. If it had been merely put on the grindstone you might not have attached so much importance to it. But it had been cleaned and scraped inside recently. Why? Dr. Stevenson put it that the blood found on it was not more than a month old; how much less than a month he could not say. The accused said he used the knife for "hulking" a rabbit. Now they say there was no blood on the shoes. That is a matter we must consider from both points of view. From one point of view, it is favourable to the accused, but, on the other hand, you must consider that, as to there being no blood on the shoes, that comes to nothing because, whoever murdered that woman, there was obviously found, what Eli Nunn told us, not a trace of trampling in the blood. Therefore, so far as "no blood on the shoes" is concerned, that would apply to whoever was the murderer.

If you do not believe the story of the accused's wife on the other points of the case, you are not likely to give full credence as to whether all the clothes were given up. If they were all given up, how is it to be accounted that there was no blood on the clothes? Supposing they were all given up, they might have been cleansed, and what he took off they did not know. If

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the accused went to commit the murder he did it with care. I suggest to you there is a chain of evidence pointing to the guilt of the accused. You must not place too much importance on there being no blood on the clothes, for it is a curious fact that the blood from the body spurted out almost on one side. There was some blood on the other side, but it almost entirely came out on the one particular side. That exhausts the whole case.

Gentlemen, pray remember that I have been addressing you as an advocate. No suggestions I have made must in any way be taken to suggest they are my own opinions. An advocate has no opinion. As an advocate, it is my duty to put before you on behalf of the Crown, and put before you forcibly, temperately, and, I hope, lucidly, what is to be said on the other side of the question, more especially having regard to the accused's side having been put before you with such ability by my learned friend. Any suggestions or arguments which I have addressed to you which do not meet with your approval, you will discard. You will take the case into your own hands; you will look at it as a whole, and look into it as a whole, not the handwriting merely, not the shoes alone, not the bottle alone, not the motive alone, but look at it in its accumulative force, and then pass your judgment as to whether you are satisfied that the accused is guilty or not. If you think we have established guilt, the justice of this country must be vindicated. If this cold-blooded murder has been committed by this man, no considerations should prevent you giving effect to your conscientious belief as to the accused's guilt, and if you are not satisfied, and if you have not got that conviction brought home to your mind, you will say that he is not guilty. I am sure none of you will regret your responsibility. We all have to incur the greatest responsibility, and no responsibility is greater than the responsibility

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which devolves upon jurymen on both sides, not only from the point of view of the accused alone, but from the point of view of the public.

Gentlemen, you have shown great attention to this case: I am sure you will give effect to your conscientious belief, and your conscientious belief alone. .

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Mr. JUSTICE LAWRENCE—Gentlemen of the jury, before I call your attention to the evidence in this case, there are one or two preliminary observations I desire to make with regard to this particular case. Your attention has been called to the fact that the principal part of the whole of the evidence is what is called circumstantial evidence. I will state the difference between circumstantial and what is called direct evidence, so that you may be able to appreciate the difference. You can have no direct evidence yourself, sitting as a jury, because if you are the person who saw the act committed you could not act as a jury, and, therefore, all the evidence must be brought to you by some one else. If a man came to the witness-box and said he saw A shoot B through the head with a pistol, A would be tried for murder, and that would be direct evidence. And the only question you would have to consider would be, can we trust this man who has said he saw A shoot B? In direct evidence only one question arises: do you accept the statement of the person who gives the evidence?

Let me give you the plainest and simplest case of circumstantial evidence, and the most familiar one in the textbooks. Suppose you saw a man rush into a room with a naked sword, and you afterwards saw him coming out with it covered with blood. Supposing that in that room there was a man who was found to be struck in the back or in a place where he could not strike himself.

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That would be circumstantial evidence. First, you would have to say whether you were satisfied that the witness saw A go into the room, and then, if you believed that, the next question would be: what presumption does that give rise to in my mind? Circumstantial evidence is evidence which gives rise to a presumption. First, you have to say whether you accept the fact, and then, secondly, what is the reasonable inference to be drawn from the presumption. In the case I have given you there is not one person but what would say that A who went into the room must have been the person who killed B. I have said this to show the difference between direct and circumstantial evidence.

There are cases in the textbooks in which it is shown that circumstantial evidence is of greater value than direct evidence. Having said that, I will as briefly as I can call your attention to the evidence of the broad points taken by the learned counsel on both sides. Let me make one observation that has been repeated by me with regard to the facts of the case, namely, that you, and you alone, are the judges of the facts. All I have to do is, if it is required, to lay down the law, which you will take from me. You are the sole judges of the facts, and it is for you to form your opinion upon the evidence called before you. In regard to that duty, you will narrowly scrutinise every piece of evidence brought before you. It is your duty and your power to do so. You must make up your minds as you go along with regard to the different matters brought under your notice.

Let me first call your attention very briefly to the broad aspect of this case. This unhappy girl, who was, I think, twenty-two, had lived for four years with Mrs. Crisp. That she had fallen into bad hands there could be no doubt. Her condition is not denied. She was seen last on the night of the 31st May. The question is, who is the murderer? We must decide upon how far that

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relates to the man in the dock. Was he the man who committed it? It is said there had been scandal about this girl and him, and that there had been reports before the scandal on 1st May, 1901. What was the reason the two young men followed them into the Doctor's Chapel? Anybody who knows anything about country life knows, unfortunately, the interest which people take in other people's affairs, however small, and especially when there is something wicked and wrong at the bottom of it. The first evidence we have is with regard to what took place at the Doctor's Chapel.

Mr. WILD—My lord, I don't think there were any reports before the chapel incident.

Mr. JUSTICE LAWRENCE—I have looked at my notes, and am very careful about it; I can prove to you about that, if necessary, that there had been. These young men, Wright and Skinner, gave you an account of what they saw and heard. The whole question between the parties is this: Is that story a deliberate lie, for that is how it is met by the defence, or is it true? There is no halting ground between the two. Wright's story was that he saw the girl go into the chapel, and Gardiner follow. He then went to acquaint his companion Skinner, and I need not go carefully into where they went, for you, gentlemen, have gone so carefully into the case that you have relieved me of a great deal of what I should otherwise have had to call your attention to. I should think the thing that would strike you as the first great improbability of the case would have been the language used by the girl to the man. But when we find those letters which had been in the possession of the girl, it was not likely she would be particular in the language she used. You heard the story of the young men. Is it true or false? The lads spread it through the works, I suppose; one knows, unfortunately, what boys are, and it gets to the ears of the accused, who asks them to his room. The matter goes before the inquiry at

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Sibton Chapel, where some twenty or thirty were present. About that inquiry I shall say nothing, for I agree with Mr. Dickens, it throws no light upon the question. Had it been in any other case, I should not have allowed those witnesses called for the defence in regard to it, but in a case of this kind, if there was a chance of something coming out in the accused's favour, I would not debar that evidence being given. The only question these persons speak to is, whether Mr. Guy did give two accounts of the result of the inquiry, but it does not matter in the slightest degree in the world whether Mr. Guy did say that they were in a dilemma, or whether he told them he did not believe the story at all. It does not matter what Mr. Guy thought; it is what you think. These gentlemen come here to contradict Mr. Guy, and to contradict each other, I am bound to say, in an important matter, for some said Mr. Guy said he would rather believe two in the church than two out—and that does not show a very judicial spirit—whilst two said he said it was a fabrication of lies. Is it not possible to understand that members of the congregation are not willing to have a scandal made public against any one of their members if they could see their way of getting out of it? Not improperly they say the thing is not proved, and there was an end of it. One thing is certain, that Rouse was there, and that he spoke up for Gardiner. Now, it was thrown in his teeth, "Why are you coming against him now?" The fact that two of the witnesses for the defence said Mr. Guy said they were in a dilemma, was rather inconsistent with the story that he believed the whole thing to be a fabrication of lies. It is an attempt—and I do not say that offensively, Mr. Wild—to throw dust in your eyes with regard to the real issue as to whether Wright and Skinner are to be believed or not. Mr. Guy averred that he spoke to the accused about it afterwards, and the accused promised him that there should be no more scandal between him

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and Rose Harsent. Was that a lie made up for pressing home the charge of murder against the accused?

A JURYMAN—Would not it be Rouse?

Mr. JUSTICE LAWRENCE—No; Mr. Guy. Let me first read this evidence as to what he says on the first scandal.

[Mr. Justice Lawrance then read part of the evidence.]

Mr. WILD—There is the cross-examination, my lord.

Mr. JUSTICE LAWRENCE—Please don't, Mr. Wild; my troubles are quite enough. I hope I have the whole thing in my grasp. I was very careful when counsel were speaking not to interrupt them. I have a certain course to pursue, not the easiest task to impose upon anybody. I was going on to read the rest of the evidence.

Mr. WILD—I beg your lordship's pardon.

[Mr. Justice Lawrance then continued to read his notes of Mr. Guy's evidence.]

Mr. JUSTICE LAWRENCE—With regard to this matter, it was said it was impossible where Wright and Skinner were to hear what was said. You have the policeman and the others on one side, and a solicitor, quantity surveyor, and architect on the other, with two other gentlemen on another occasion. Here we get a flat contradiction, and it serves as a pretty good illustration that you can generally find what you go for. I mean that one side go to hear something and the other side not to hear, and that is where the matter stands. You have, amongst other points to say whether you believe the story of Wright and Skinner and of Guy. Was it pointed out to the accused what he was doing, and did he promise he wbuld not see Rose Harsent again? The next point is the incident in February, 1902. Mr. Rouse says he saw the accused with the girl. There, again, you have nothing but the direct denial—a story absolutely made up by Rouse. I do not like to make observations, but I think the accused must have been extremely unfor-

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tunate in the church to which he belongs. There is Mr. Guy, the superintendent of the circuit, not to be believed, and Rouse, who led an infamous life, according to the questions put in cross-examination. The question is: do you believe Rouse? If you do not, there is only one alternative; Rouse has committed wilful perjury for some reason or another. He spoke up for the accused at the inquiry, and because he gives this piece of evidence against him now, his whole life is raked up. "You spend your life in making accusations against people," he was asked. "You brought a charge of arson against a boy." I daresay you, gentlemen, know how difficult it is to prove a charge of arson at any time. He was accused of being intimate with a Mrs. Gooch, and of setting broadcast a charge against the daughters of Snelling; but if they were true, would Rouse still have been a preacher in the circuit? Why did Rouse, Wright, and Skinner concoct such stories against the accused? The two latter were not on oath at the inquiry; but there is a great distinction between that and giving evidence on oath in a Court of Justice. I should be sorry to believe that there was in Suffolk any person who would give false evidence on oath because they had given it before some inquiry.

Rouse goes on to another incident—in the chapel—with regard to the accused putting his legs on the girl's knees. It would have been very much better if Rouse had seen the accused or written himself, but he wrote a letter by his wife. The reason he gives is this—it may be a bad reason: "I thought if I wrote to him he would think it came from a member of the congregation who had also seen him." It would have been wiser and better, I suppose, if Rouse had written a letter or seen the accused himself. He says he wanted him to think other people noticed this besides him. Is it true that there was indecency? Then Mr. Rouse is cross-examined in regard to the Snellings: I think it is in the minds

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of the jury enough without reading it. Do you accept Rouse's story? Is it true? If it is true, what is the proper inference to draw? That is the process you have got to go through.

The next thing, I think, is the letters that passed about the scandal, and then we come to the 31st of May. On that day, that letter about which so much has been said, was delivered at Providence House, making the appointment. It is obvious that that was written by some one who knew the house, and that it was not the first time he had arranged to be there. The great question is: was that written by the accused? You have had an enormous quantity of evidence given you by experts, and I am bound to say, speaking for myself, that I do not place the greatest reliance upon expert evidence; I would rather trust to my own eyes. But experts are useful; they are useful in this way—that they call attention to points in handwriting. I am bound to say Mr. Gurrin is the best of his class; I have known two or three experts who did not give their evidence in the same modest way that Mr. Gurrin did. He is there to give you his reasons for his opinion, and you are there to say whether it commends itself to your mind or not. Now, two gentlemen were called yesterday who were not experts—two bank clerks—who, of course, deal principally with signatures. I do not know if one can do better than take Mr. Bayliss's evidence on this point, and what does his evidence and cross-examination come to? There were two letters written from Paris in very inferior writing with an inferior pen. There can be no doubt about it that there is a considerable improvement in the writing of the letter "A" to the letters "H" and "I," and while they stood apart there was a great distinction between them as regards general character. Now, Mr. Gurrin pointed out a great many instances where what I ventured to call the mechanism of the letters corresponded. Mr. Gurrin

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pointed out to you, and I noticed that you followed it with great care, a number of similarities. The question is, did he satisfy you in the instances he gave that the handwriting was the same? There are one or two things which would strike anybody. There is the continual use of the capital "P," and that is one of the very first things pointed out by those two gentlemen yesterday as being the sign of an uneducated writer; but if you look at all the letter you find every conceivable "P" made under the sun. In the only places where there are two words beginning with "P," in this letter "A" they begin with capital "Ps." I am only taking the things which strike my mind, and you have got to say how much that affects the question. Then there is another thing which anybody would have been struck by, and that is the word "Saxmundham," but it is pointed out that the envelope was in a disguised hand. One can easily understand that if a letter was being sent by post to be delivered by a postman, it might be advisable to write in a hand so that people should not know where it came from. The question is whether Mr. Gurrin satisfied you that there is a great similarity between these writings. I am bound to say that what seemed to me stronger than Mr. Gurrin was what was said by Mr. Bayliss. Mr. Bayliss said that the alignment and spacing of the letters "H" and "I" were extremely irregular, and the alignment and spacing of the letter "A" were extremely regular. That is true; there can be no doubt of it, but there came a letter between the two—the letter of 29th October, written from the prison. Mr. Bayliss agreed that this letter forms, as it were, a bridge between the two—bad writing, much better writing, "A" the best writing. If you look at the prison letter the alignment and spacing are better, and almost as good as in "A." The only difference between them is that in the letter "A" the writing is vertical. Mr. Bayliss was called for the accused to say there were no

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similarities, but agreed that there were similarities. The question comes, and a very serious question, too, was that letter written by the accused or not? Upon whoever wrote that letter very strong suspicion is cast, because there is the letter making the midnight appointment; some one kept that appointment; and the result of that appointment was the death of the girl. There is one of the links of the chain you have to decide upon: was that letter written by the accused to the girl? Then what is said in support of the contention that the accused did write that letter, you must consider the value of that. It is said at ten o'clock at night, when the light was put in the window according to the letter, the accused was outside his house, in such a position that he could see the signal. It is said in evidence, and I think not contradicted, that you could not see the light from the step of his house, but a few yards to the right or left you could see it. Mr. Burgess was in the street at the time, and spoke to Gardiner. The suggestion is that that letter having been written, that appointment made, that desire expressed for a light to be put in the window at ten o'clock, Gardiner was there to see it. Burgess brings Gardiner to the time—ten o'clock—and brings him to the position where he could see the light. Now the murder takes place. I do not know that the prosecution have tied themselves to a particular time. Mrs. Dickenson's evidence is that the accused's wife came in from eleven to 11.30 and remained till the accused came about twelve o'clock. They remained in till 1.30. The evidence of Mrs. Gardiner herself was that they went to bed at two o'clock, and did not get up till eight o'clock that morning. It is suggested that there was a fire in the wash-house belonging to the accused as early as seven or 7.30 on Sunday morning. That is the evidence of the witness Stammers, a neighbour, whose house looks into the backyard. Gardiner's evidence is that he got up at eight o'clock,

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and lighted the fire about 8.15. He said: "It is a deliberate lie that the fire was lighted before then," and Stammers's story is an invention. Stammers, of course, may be mistaken. The question is: who told the truth? The suggestion is that they were earlier than usual that morning, and that there was a large fire, in order that something might be got rid of, and the question is whether you think Stammers is right in what he says. The prosecution ask why Stammers should tell a deliberate lie with regard to the fire.

[At this point Mr. Justice Lawrance inquired of the jury whether he had made himself clear, and whether there was any question they wished to ask him.]

A JURYMAN—Was there any smell of the burning of cloth?

Mr. JUSTICE LAWRENCE—There was no evidence upon that.

The JURYMAN—if there was any woollen stuff burned, it would have smelt.

Mr. JUSTICE LAWRENCE—that you must argue amongst yourselves; you must not argue with me.

Another JURYMAN—I do not think the witness Stammers was asked that question.

Mr. JUSTICE LAWRENCE—You can only deal with what you have before you. The question might not have been put by accident or intentionally. Your duty is to deal with the evidence, and you can only deal with what they have put before you. If there is something not put before you that you think ought to have been, then you can draw your own inference from it. The next point that is relied upon is the question of the footsteps, which is spoken to by Morriss. Of course, you must bring into the jury-box all your common sense; you must not leave that behind you. We all know there had been a storm; we know there had been a great deal of rain; and we know what the effect of rain is on a high road; and you know whether you could see footmarks

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better on a road before or after rain. The question arises: is that evidence true? Did Morriss see these marks? It has been stated in the trial that the first theory was that this was a suicide. Whether that was Dr. Lay's or not I cannot imagine. The girl was found in this condition without any instrument near by with which her injuries could have been inflicted; yet for two days they were stumped over this case, thinking it was a case of suicide. If people had jumped at the conclusion that it was a case of murder, the footprints might have been seen and observed.

The witness Hart was called by the defence, whether to contradict Morriss or not I do not know. I cannot imagine why the man should have been called unless to show that he went past the accused's house and saw nothing of the footmarks. As a matter of fact, he did nothing of the sort, and does not contradict Morriss in the slightest degree. The question you have to decide is this: did this man see? The man said: "I did see footsteps." You have got the whole of the evidence, and it is an important piece of evidence, too, I need hardly point out to you. You have to say whether you believe this man when he said these footsteps did come on that night from the accused's house up to the gate of Providence House, and that in consequence of the scandal he had heard about the accused and the girl, he told his superior gamekeeper what he had seen. It does not quite end there, I must remind you, because curiously enough within a week before the accused had become possessed of a pair of india-rubber shoes. The accused's wife gave up everything and told everything to the police constables as far as she knew. She gave up clothes, and gave up other things, with a pair of india-rubber shoes with diagonal bars upon them, said to be like the marks which the man Morriss had seen. This is one of those cases in which you have got to say and make up your mind as to whether you accept Morriss's evidence or not.

William Gardiner.

Mr Justice Lawrence

And now the next point is the fact that there was found upon the accused a knife, and such a knife that might have caused the injuries which were found on the girl; you remember what the injuries were; the girl had been stabbed with an instrument which had a sharp point, and she had marks upon her hand showing that there had been some resistance on her part.

No weapon was found in the house at all, and I do not see how the suggestion of suicide could possibly have arisen, because nothing was found near the girl at all. The accused was taken into custody on the Tuesday, and you see he had between that time the whole Sunday and Monday. The knife was found on him and was found clean. There is nothing particularly suspicious in that, of course. You have the evidence of Dr. Stevenson, who examined all the articles, including the clothing, on which there was found no blood whatever. That was in the accused's favour. The doctor, however, said that in the haft of the accused's knife blood had been smeared. It was mammalian blood, and though now I believe the difficulty of telling human blood from animal blood has been solved, under present knowledge, at all events, Dr. Stevenson's knowledge—I did not ask him about it because it would be introducing another matter—it is impossible to tell you any more than that it is the blood of a mammal. If you come to the conclusion that this was the man, you would have this additional fact, that the man was found with an instrument in his pocket that might have done the deed. I think it was suggested that he might have thrown the knife away, but that would have been the most dangerous thing the man could have done, as it might have been found. The accused's explanation was that he had been hulking rabbits, which, I suppose, is disembowelling them.

There is blood there which might have been human

Charge to the Jury.

Mr Justice Lawrence

blood. The knife had been recently sharpened. The accused said there was blood there because he had been hulking rabbits, and he very often sharpened his knife. It is one of those incidents, which, by itself, would not be worth a farthing, though with other facts, it is more important.

We come to the question of the medicine bottle, which stands, as I understand it, in this way. It was found upon the floor broken to pieces, and Dr. Stevenson says that the bottle had contained paraffin. It had the cork pressed so firmly down that it could not be got out. Whether it was necessary to break the bottle to get the paraffin out I do not know. One important thing was that it had a label upon it which had been put upon it by Dr. Lay, and was labelled to be taken by the children, and for Mrs. Gardiner's children. Now, it is said by the other side, Mrs. Gardiner gave Rose Harsent a bottle full of camphorated oil, some time before, and a witness, Mrs. Walker, was called, who said she had seen Rose Harsent, who had told her that Mrs. Gardiner had given her the oil, and had made her better. I do not think it throws much light upon it, but it is worth mentioning that, curiously enough, there had been an inquiry by the police for a bottle which was labelled "Mrs. Gardiner's sister"; and I suppose that had arisen owing to their not being able to read the label properly, and they found out that medicine had been provided for Mrs. Gardiner's sister at some time or another, so that when they went there the police asked for a bottle that Mrs. Gardiner's sister had been supplied with. Mrs. Gardiner said she went to look for it, and was unable to find it. The suggestion on behalf of the prosecution, whether a well-founded one or not, was that it was taken there by the accused. It must have been done by a person who had very little knowledge of burning a body. I think I have gone through the whole facts of the case. I do not remember one I have missed.

William Gardiner.

Mr Justice Lawrance

Mr. DICKENS—There is a point I had intended to say something about, but had forgotten. There was a small piece of cloth my friend mentioned.

Mr. JUSTICE LAWRENCE—There is a very tiny piece of cloth of some kind. I do not know whether it is woollen cloth or not. Take it and examine it. It is said to come from some clothing, but no clothing to which it corresponds has been discovered. It is a curious fact—there is no doubt about it—that blood spurted out of the body, and yet on the right side of the body there was no blood at all, and no footsteps; no one had trampled about and made marks. The circumstances were consistent with the fact of her being struck on coming downstairs, or on getting at the bottom of the stairs. Whether the wound could be inflicted by a person who stood on the right side is difficult to believe, and how one could avoid trampling in the blood at all. It had not been trampled in, and it is a matter left in considerable obscurity to know exactly what had been done, and how the murder really was committed. But the person who committed the murder tried to burn the body—of that there can be no doubt. A newspaper was put under the shoulders; whether it was lighted before it was put there, or whether when it was on the ground, does not appear. The suggestion is, and it can only be a suggestion, although a great probability no doubt, that the person who did that would have the marks of blood upon him. The suggestion upon the other side is that the fire was made in the morning for the purpose of destroying the accused's clothing.

There is one other matter with regard to the clothing that I do not quite understand, though it may be a very small point. The accused had had a clean shirt on that morning, and how with a fortnight's wear that could be managed I do not know, when the man had only two shirts belonging to him.

Charge to the Jury.

Mr Justice Lawrence.

Something has been said to you with regard to motive—something about who was the father of the child. Whether he is the father of the child or not does not so much matter. It appears to me that the matter of importance is whether or not he was having immoral relations with the girl. No motive would justify a murder. It might, of course, be put into a man's head by revenge. And we often find a savage murder with a very inadequate motive; in many cases no motive at all can be discovered—yet here is a man who knew this girl was six months *enceinte*, and had had immoral connexion with her for a considerable time, and who, whether he was the father or not, was pretty sure to have the credit of being the father. You have been rightly told by the learned counsel, who has so ably defended the accused, that if you have a reasonable doubt, the accused is entitled to the benefit of it. But the doubt in a case of this kind must be fair and reasonable, and not a trivial doubt, such as the speculative ingenuity of counsel might suggest. You have been told you must have a moral certainty. But the only certainty you could have about anything would be in regard to something you had seen yourself with your own eyes. The question you have to consider is whether the conclusion to which you are conducted by the evidence is such as you could come to with any degree of certainty in important affairs of your own. That is the certainty you ought to have in cases of this kind. It depends so much on what people mean when they say "a moral certainty." I mean such certainty as would induce you to a conclusion if engaged upon the more important duties of your life. If you have that certainty, and if the facts lead you to the conclusion that this was the man who did the murder, although no human eye saw him, then you will be justified in giving effect to that opinion. If you do not find that the evidence leads you to that conclusion, he is, on the other hand, entitled to your verdict.

William Gardiner.

[The jury retired at five o'clock and returned into Court at 7.12.]

The CLERK OF ARRAIGNS—Are you agreed upon your verdict?

The FOREMAN—No, sir.

Mr. JUSTICE LAWRENCE—You are not agreed? Is there any chance of your agreeing?

The FOREMAN—No, sir.

Mr. JUSTICE LAWRENCE—None whatever?

The FOREMAN—I am afraid not.

Mr. JUSTICE LAWRENCE—I mean if you are satisfied about that, it is my duty to discharge you. You have paid great attention to the case, and the only thing I can do for you is to make an order that you do not be called upon to serve on a jury again for seven years.

[Mr. Justice Lawrance then enlarged the recognisances of the witnesses for the prosecution until the next Assizes.]

An application by Mr. Wild that the witnesses for the defence should be similarly treated, in order to save expense, was refused, on the ground that their recognisances could not be enlarged because the witnesses had not been bound over.

The prisoner was then removed, and the Court rose.